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**C A S E S**  
**ARGUED AND DETERMINED**

RELATING TO  
**THE POOR LAWS,**  
TO  
**POINTS IN CRIMINAL LAW,**  
AND OTHER SUBJECTS

CHIEFLY CONNECTED WITH

**The Duties and Office of Magistrates:**

COMMENCING WITH MICHAELMAS TERM, 8 VICTORIÆ.

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REPORTED PRINCIPALLY BY

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MDCCCXLV.



# REPORTS OF CASES

CONNECTED WITH

## THE DUTIES AND OFFICE OF MAGISTRATES:

COMMENCING IN

MICHAELMAS TERM, 8 VICTORIÆ.

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1844. }  
Nov. 9. } THE QUEEN v. C. H. H. ELLIS.

### *Pauper Lunatic—County Asylum.*

*When a county lunatic asylum has been established under 9 Geo. 4. c. 40. the Justices have no power, under section 38. of that act, to remove an insane pauper to a private licensed asylum, on the ground that the county asylum is too full to afford accommodation for the pauper.*

On an appeal, in which the churchwardens and overseers of the parish of St. Luke, in the county of Middlesex, were appellants, and Charles Ellis, Esq., clerk of the peace of the said county, was respondent, against an order of two Justices for the said county, whereby the overseers of the poor of the parish of St. Margaret's, Westminster, in the said county, were ordered to cause Harriet Ellis, an insane person, to be conveyed to a house duly licensed for the reception of insane persons, in the county of Surrey, it appearing to the said Justices that there was not room or accommodation for the said Harriet Ellis in the county lunatic asylum established at Hanwell, in the said county of Middlesex, and against a certain other order, whereby the said Justices did adjudge the settlement of the said Harriet Ellis to be in the parish of St. Luke, in the county of Middlesex, and did order the overseers of the poor of the said parish of St. Luke to

pay the sum of 6s. 6d., being the amount of the reasonable charges of conveying the said Harriet Ellis to the said licensed house; and also to pay to Peter Armstrong, the keeper of the said licensed house, the sum of 10s. per week, which payment the said Peter Armstrong was willing to accept, and the same appeared to the said Justices to be a reasonable charge for the maintenance, medicine, clothing, and care of the said Harriet Ellis, whilst confined therein; the Sessions quashed the said orders, subject to the opinion of the Court of Queen's Bench upon a case, the material facts of which were as follows:—At the time when the orders in question were applied for and made, there was a county lunatic asylum at Hanwell, for the county of Middlesex, which asylum then contained nine hundred patients, and was then quite full. When that asylum was first completed, under the provisions of the statute 9 Geo. 4. c. 40, it was capable of containing three hundred patients only; it was afterwards enlarged and altered from time to time, until it became capable of containing upwards of nine hundred patients; but it was proved before the Justices who made the order appealed against, that there was no room or accommodation for the said Harriet Ellis in the said county lunatic asylum when the orders were made. The above facts were admitted on both sides. When the appeal came on to be heard, the appellants insisted that since, in fact, there was a



county lunatic asylum in the county of Middlesex, the Justices had no jurisdiction under 9 Geo. 4. c. 40. s. 38. to direct such insane pauper's removal to a house duly licensed for the reception of insane persons. The Court of Quarter Sessions, on the objection so taken, quashed the orders, subject to the opinion of the Court of Queen's Bench. If the Court of Queen's Bench should be of opinion that the said orders were, under the circumstances, legally made, then the said orders of Justices to stand affirmed, and the order of Sessions to be quashed; otherwise the said orders of Justices to be quashed, and the order of Sessions affirmed.

*Prendergast*, in support of the order of Sessions.—The Justices were not warranted in making the orders. Their power is derived from the act of parliament, which enables them to make such orders in cases in which "no county lunatic asylum shall have been established" (1). Here they remove because the asylum is full. It may, perhaps, be said, that the lunatic asylum being full, leads to the same result, as far as the pauper is concerned, as if there were none; but if that be so, all that can be said is,

(1) By stat. 9 Geo. 4. c. 40. s. 38, it is provided, "That upon it being made known to any Justice of the Peace that a poor person chargeable to any parish or place is deemed to be insane, it shall be lawful for the said Justice, by an order under his hand and seal, to require the overseer of the poor of the said parish to bring the said insane person before any two Justices of the Peace of the said county; . . . and if upon view and examination, &c., the said parties shall be satisfied that such poor person is insane, it should be lawful for them, by an order under their hands and seals (according to the form given in the schedule to the act), to cause the said poor person to be conveyed to and placed in the county lunatic asylum, established under the directions of that or any former act. . . . and if no such county lunatic asylum shall have been established, then to some public hospital or place duly licensed for the reception of insane persons" (then follow provisions empowering them to make order on the parish where the pauper is settled, for the payment of the charges of his conveyance and maintenance).

Section 41, after reciting that the place of legal settlement of such insane persons cannot always be ascertained, enacts, "That in every such case it shall be lawful for the said Justices, by their warrant, to direct such person to be confined in the county lunatic asylum for the county, &c., if any such county lunatic asylum shall have been established; and if no such county lunatic asylum shall have been established, in some public hospital or house duly licensed," &c.

that the legislature should have provided against it by the same sort of provision as is made in the other case. This is in effect a *casus omissus*, and the Court will not extend an act of parliament to a case for which it clearly has not provided—*The King v. Chagford* (2).

*Bodkin and Pashley*, contra.—The Justices might, in their discretion, send the pauper to a private asylum. The 38th section as well as the 41st, shews that the object was to give ample powers to Justices. The title of the act states it to be for providing more effectually for the care and maintenance of pauper and criminal lunatics. The pauper cannot be lodged in the workhouse. It is impossible that a strict and literal construction can be insisted on at all times. Suppose the asylum were to be burnt down, it could not be said that none "had been established." Remedial acts should be liberally construed—*Henderson v. Sherbourne* (3), *Edmonds v. Lawley* (4), *Lord Zouche's case* (5), *Bro. Abr. tit. 'Parliament,' pl. 13*, *Doe d. Richardson v. Thomas* (6); especially where a manifest inconvenience will result from any other construction—*The King v. Hall* (7). If the 38th and 41st sections of the act are read together, it will be clear that the intention of the legislature was to provide for the pauper in one of the modes there mentioned, and if one is impracticable, the other must be adopted.

LORD DENMAN, C.J.—I think the Sessions were quite right in quashing the order, which it is clear the Justices have made under circumstances not contemplated by the legislature. If we supported it, we should be making an act of parliament, not construing one; for that this case does not come within the meaning of the act, as it now stands, is too plain for argument. Here there is a case in which a county lunatic asylum has been established. We are not to take into consideration any state of things

(2) 4 B. & Ald. 235.

(3) 2 Mee. & Wels. 236; s. c. 6 Law J. Rep. (n.s.) M.C. 28.

(4) 6 Ibid. 285; s. c. 9 Law J. Rep. (n.s.) Exch. 143.

(5) Plowd. 363.

(6) 9 Ad. & El. 556; s. c. 8 Law J. Rep. (n.s.) Q.B. 145.

(7) 1 B. & C. 123; s. c. 1 Law J. Rep. K.B. 20.

arising from that which has been so established ceasing to remain so, nor is any such state of things suggested or likely to occur; and the consequence is, that this order must be quashed.

WILLIAMS, J.—I am of the same opinion. The only question is, whether this case falls within the provisions of the act. The argument urged by the appellants would be very strong to shew that if the case had presented itself to the legislature at the time the act passed, they ought to have provided for it, and probably they would have done so; but it cannot now, therefore, be contended, that the case of an asylum being full comes within a provision made for the case of there being no asylum at all.

COLERIDGE, J.—I think there can be no doubt whatever on this question. It is true that the object of the act was to provide a proper place of confinement for pauper lunatics, and for that object new powers are given to Justices of the Peace, and are meant to get rid of the nuisance of the miserable parochial care to which such paupers were before left in many instances. No doubt there should be one uniform rule observed in administering the powers given by the act, and two cases seem to have presented themselves to the legislature—the first, where there is a county lunatic asylum, in which case the Magistrates are directed to make an order for the removal of the party there; and the other case provided for is that where no such asylum shall have been established. But if a case occurs of an asylum not being sufficient to accommodate the pauper, which is the present case, all that can be said is, that this is like other cases to which the rule applies, that powers given by the legislature must be strictly pursued. That has not been done in this case, and the order of the Sessions must be confirmed.

WIGHTMAN, J. concurred.

*Order of Sessions confirmed.*

1844. } THE QUEEN v. WILSON AND  
Nov. 21. } OTHERS.

*Quarter Sessions—Indictment, Power to quash.*

*The Court of Quarter Sessions has the power of quashing an indictment for forcible*

*entry, riot, and assault, before plea pleaded. Where, therefore, jurisdiction appears, this Court will not review their judgment in such case, upon its being brought before them by certiorari: the proper mode of proceeding being by writ of error.*

A writ of *certiorari* had been directed to the keepers of the peace for the county of Gloucester, requiring them to return all and singular the indictments in this case, with all things touching the same, and all proceedings thereupon. In answer to the writ, a record of the indictment properly made up was returned; from which it appeared that the indictment had been preferred at the Quarter Sessions, and consisted of three counts; the first against eleven defendants, for forcible entry into the house of the prosecutor; the second against two of the same defendants and others unknown, for forcible entry and assault upon the prosecutor; and the third against the eleven defendants, for riot and assault. It seemed by the record, that the parties had not pleaded (1), as there was no plea upon the record; but the record concluded by stating that the indictment came on to be heard &c., and was quashed by the Court.

A rule had been obtained, calling upon the keepers and Justices of the Peace and the defendants to shew cause why the judgment given upon the indictment, at the the Quarter Sessions, held &c., should not be quashed.

*Keating* now shewed cause.—The object of the writ is to bring the proceedings of the Court of Quarter Sessions before this Court, that the proceedings may be quashed. That may be the proper course, with regard to certain orders and summary proceedings of courts of inferior jurisdiction; but the record returned in answer to this writ, is a judgment, and it cannot be got rid of by *certiorari*, and motion to quash, but only by writ of error. The rule, in this case, calls it a judgment—*The King v. the Inhabitants of Seton* (2), *The King v. Jackson* (3), *The Queen v. Potter* (4). In *1 Chitty's*

(1) It was admitted in the argument, that the parties had not pleaded when the Court quashed the indictment.

(2) 7 Term Rep. 373.

(3) 6 Ibid. 145.

(4) 2 Ld. Raym. 937.

*Crim. Law*, p. 747, it is stated, "When once judgment is given, this (namely, the writ of error,) is the only remedy for any defect in the proceedings." But, secondly, if the judgment of the Court of Quarter Sessions can be reviewed in this way, it is submitted, that that Court has jurisdiction to quash indictments, and the proper exercise of that jurisdiction will not be reviewed here. The Judges sitting under the usual commission of oyer and terminer, have power to quash indictments. Such power is inherent in the court by common law, to enable it to do complete justice, and will be exercised in the discretion of the Court, even although an indictment might be good upon demurrer. If, for instance, a count of an indictment contains several charges, or several felonies are stated in different counts, although the indictment be good on demurrer, the Court, in its discretion, will quash it, if it tend to embarrass the prisoner in his defence. In *Archbold's Crim. Plead.* p. 66, 9th ed., it is stated, that "in cases of indictments at Sessions, or in other inferior courts, the application to quash is made to the Court of Queen's Bench, the record being previously removed there by *certiorari*." But it is submitted, that that position is incorrect, and no authority is cited for it. The Court of Quarter Sessions proceeds, according to the ordinary rules of the common law, and every common law incident attaches to that court — *Hartley v. Hooker* (5), *The King v. Wadley* (6). This power then being so essential to the proper duties of the Court, some strong authorities would be requisite to shew that it does not possess it. The commission of the Quarter Sessions, which is the same as the commission of the peace, contains no restriction in this respect. By their commission, they are required to inspect all indictments which shall come before them; and to hear and determine all felonies, and various other offences, according to the laws and statutes of the kingdom of England (7). The words are as ample, and nearly similar to those used in the ordinary commission of oyer and terminer, under which the Judges sit. The Judges are required "to hear and

determine the said treasons and other the premises, according to the law and custom of the realm of England," *Black. Com.* vol. 4, App. ii. As therefore the Court has this discretionary power as incidental to it, and has exercised it, the grounds upon which it has been exercised will not be inquired into, in this form.

*Newton*, contra.—The Court of Quarter Sessions having exceeded any jurisdiction they possess, the proper mode of questioning what has been done is by removal of the proceedings into this court by *certiorari*. It may be that a writ of error would also lie, but that is not the only mode of proceeding. It is admitted in this case, that the defendants had not pleaded. But this was not a case where the indictment was so defective that no judgment could be given upon it. It may be, that in such cases, the Court may have power to quash, or where, upon the application of the prosecutor, the indictment appears so defective that the defendants cannot be convicted upon it.

LORD DENMAN, C. J. — This question turns upon the jurisdiction of the Courts to quash an indictment; and there is no doubt that this Court possesses that power before plea pleaded. It is a course which has been frequently followed here, and in courts of assize. Nor is there any doubt that the Court of Quarter Sessions possesses a similar power. That Court had the power to do what they have done, and they are the Judges of the proper occasion for the exercise of the power. It is no answer to the exercise of that power to say, that the indictment was good, but was nevertheless quashed, as this Court would not in such case interfere, even if there had been a demurrer to the indictment, and the demurrer had been overruled. The matter has been brought before this Court by *certiorari*, and the circumstances attending the case cannot be considered, but the record only looked at, to see whether it discloses jurisdiction. The argument in favour of the prosecutor has been not so much to shew, that the Court of Quarter Sessions has not the jurisdiction to quash, as that their proceedings were wrong. If the Justices have acted improperly, the remedy is by criminal information; but as it clearly appears that

(5) Cowp. 523.

(6) 4 Mau. & Selw. 508.

(7) See the Commission of the Peace, Dalton's Justice, p. 16.

they have the jurisdiction which they have exercised, that cannot be questioned in this form.

WILLIAMS, J.—I am of the same opinion. It appears to me, that there is much reason in Mr. Keating's observation—that it rather lay upon the other side, looking at the large power and discretion which is intrusted to the Justices in Quarter Sessions, to produce authorities to shew that it was not competent to that Court to quash an indictment. In their commission, there is no limit at all, nor any discrimination made even as to felonies. If, then, they are trusted with powers to so large an extent, it would be a fair presumption that they possessed also the subordinate power of quashing an indictment, unless there is some authority to shew that that is excluded from their jurisdiction. There is no authority to be found to shew that; as, therefore, it appears upon the return to this writ, that the indictment was quashed by the Court of Quarter Sessions, the only question that could arise was, whether that Court possessed the power so to dispose of it; and there is no doubt they had the power.

COLERIDGE, J.—I also agree that this is solely a question of jurisdiction. It has been so put in terms by Mr. Keating, and Mr. Newton has not denied, that in some cases the Court of Quarter Sessions possesses the power to quash. That Court tries cases with all the incidental power of a court at common law. It is said, however, here, that the rule should be made absolute, on two grounds:—first, because this indictment had been found at a previous sessions, and notice of trial had also been given. But there is nothing in that to interfere with the power of the Court. It is no objection that the indictment was found at one sessions, and the trial was to have taken place at another. The same thing frequently occurs at the assizes. This indictment was before the Court, and the course taken was one mode, which they possessed, of disposing of it. The same objection might be made, under similar circumstances, to a demurrer, or even a trial by the jury. The other ground is, that the Court of Quarter Sessions have done wrong, as the circumstances did not exist under which they ought to have quashed. But that is in other words making their jurisdiction depend upon the

decision they come to. Again, it is not correct to say, that no indictment can be quashed, except where no judgment could be given upon it, as an indictment has been quashed by the Court, where there would have been a fatal defect upon demurrer, in order to enable the prosecutor to prefer another indictment, as in *The King v. Roysted* (8). If the judgment is erroneous, that is upon the record, and may be brought before us by writ of error.

WIGHTMAN, J.—I am of the same opinion. We are asked to quash a judgment of the Court of Quarter Sessions which has been brought before us by *certiorari*. As a general rule, the proper course of proceeding is by writ of error—*The King v. the Inhabitants of Seton*. But it is said, that in giving this judgment, the Court of Quarter Sessions went beyond their jurisdiction, as they have no power to quash this indictment. It cannot, however, be said, that the Quarter Sessions had not power over the subject-matter of the indictment; and there can be no doubt, therefore, that they also possessed it incidentally over the indictment itself. They have only done here without demurrer, what they undoubtedly might have done upon demurrer. But it is also said, that even admitting that under certain circumstances the Quarter Sessions have power to quash, yet that they should not have done so in this case. That, however, was a matter for the Sessions, and is not a point of law for the consideration of this Court.

*Rule discharged.*

1844. } THE QUEEN v. THE INHABITANTS OF CASTERTON.  
Nov. 9, 25. }

*Order of Removal—Certainty—Jurisdiction of removing Magistrates—County named in Margin, part of Order.*

*Where a county was named in the margin of an order of removal, the order was addressed "to the overseers of the poor of the parish A. and to the overseers of the poor of parish B, in the said county," and recited a complaint by the overseers of the poor "to us whose names are hereunto affixed, being two*

(8) 1 Ld. Ken. Rep. 255.



of her Majesty's Justices of the Peace in and for the said county :"—Held, that the jurisdiction of the Justices sufficiently appeared on the face of the order, since the county in the margin is to be considered as part of the order, and there was only one county mentioned; and that for the same reason it sufficiently appeared in what county parish B. was situate.

The following order of Sessions, together with the original order of removal set out in it, had been brought up by *certiorari* :—

"Westmoreland, to wit.—Be it remembered, that at the General Quarter Sessions of the Peace, holden at Appleby, in and for the said county of Westmoreland, on Monday, the 1st day of January, in the seventh year &c., before &c., that same session of the peace is adjourned by the Justices aforesaid, until Friday, the 5th day of January in the year aforesaid, to be holden at Kendal; and on the same Friday, the 5th day of January aforesaid, the same General Quarter Sessions of the Peace is holden by the adjournment aforesaid, at Kendal aforesaid, in and for the said county, before &c., at which said General Quarter Sessions of the Peace, continued and holden by the adjournment aforesaid, at Kendal aforesaid, in and for the said county, on the said Friday, the 5th day of January, in the year aforesaid, before the said Justices, an appeal against a certain order, bearing date, &c., under the hands and seals of S. W. Esq. and T. F. Esq. is then and there depending for trial, which said order is annexed to this schedule, and is in the following form :—

"Westmoreland, to wit.—To the overseers of the poor of the township of Kirkby Lonsdale, and to the overseers of the poor of the township of Casterton, in the said county: whereas you, the overseers of the poor of the township of Kirkby Lonsdale, have made complaint unto us, whose names are hereunto affixed, being two of Her Majesty's Justices of the Peace and quorum in and for the said county, that James Dixon has come to inhabit, &c. (in the usual form), and upon proof &c., we adjudge &c., and we do likewise adjudge, that the lawful settlement of the said J. D. is in the parish, township, or place of Casterton, in the county of Westmoreland; we do, therefore, require you, the overseers of the poor of the

said township of Kirkby Lonsdale, to convey, &c. Given under our hands and seals this 28th day of October, A.D. 1843.

"S. W. (L.S.)  
"T. F. (L.S.)"

"And whereas the overseers of the poor of the township of Casterton did prosecute, and carry on the said appeal to trial, against the said order, to the present General Quarter Sessions of the Peace, and wherein this Court, upon hearing of counsel on both sides, ordered that the said order be confirmed. By the Court,

"T. B.

"Clerk of the Peace for the county of Westmoreland."

The grounds of objection to the order of Sessions, stated in the margin of the paper book, were—First, that it failed to shew that the order appealed against was made by Justices in and for the county of Westmoreland. Secondly, that it did not confirm the order of removal, except by way of recital of something that the Court, upon hearing of counsel, ordered, and did not contain, in the present tense, any order or adjudication of the Court of Quarter Sessions. Thirdly, that it failed to shew who were the parties severally appellant and respondent in the appeal. Fourthly, that it failed to shew in what county the township of Kirkby Lonsdale was situate. Also that the order of removal was bad, for the same reason, and for not shewing in what county it was made.

*Baines and Ramshay*, in support of the order of Sessions.—As to the first objection, the original order is incorporated in the order of Sessions. As to the second, the case of *The King v. Maulden* (1) is in point to shew that the words "having adjudged" amount to a present adjudication. As to the third objection, the order of Sessions sets out the order appealed against, and states that the overseers of Casterton did prosecute the said appeal. As to the last objection, the Court will not make intendments to vitiate the order. The county of Westmoreland is the county mentioned in the margin. The case of *The King v. Moor Critchell* (2), and *The King v. Chilverscoton* (3), will be relied on by the other

(1) 8 B. & C. 78; s.c. 6 Law J. Rep. M.C. 76.

(2) 2 East, 66.

(3) 8 Term Rep. 178.

side; but those cases were distinctly overruled in *The King v. St. Mary's, Leicester* (4). This is a stronger case, as there is but one county mentioned, and *prima facie* it must be taken, as the fact is, that both parishes are in the same county. The case of *The King v. Holbeck in Leeds* (5), and *The King v. Southwold* (6) shew that the Court will look to the margin to ascertain the county for which the Magistrates profess to act. Even if it is possible to read the order in two ways, the Court will so read it as to support it—*The King v. Countesthorpe* (7). The words “in the said county” govern the whole, there being but one county mentioned. This is the rule in construing acts of parliament, even when there are disjunctive words, as in *Magna Charta*, c. 29, “Nullus liber homo capiatur vel imprisonetur . . . aut utlagetur, nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terræ,” where the concluding words have always been held to refer to all the precedent matter (8).

*Pashley*, contra.—As to the first objection, the order of Sessions merely states that an appeal was depending against a certain order of J. W. Esq. and T. F. Esq. The jurisdiction of the Quarter Sessions is given by 13 & 14 Car. 2. c. 12. s. 2, which provides, that “all such persons as think themselves aggrieved by such judgment of the said two Justices (i. e. of the division which the pauper comes to inhabit), may appeal to the Justices of the Peace of the said county, at their next Quarter Sessions.” It should, therefore, be shewn on the face of the order, that it was made by Justices of the Peace of the county for which the Sessions were holden. No intendment will be made in favour of jurisdiction—*The King v. Chilverscoton*, (which has never been overruled), *In re Clarke* (9), *The Queen v. Toke* (10), *Christie v. Unwin* (11), *Wilson*

*v. Dodd* (12), as cited in *Lutw.* 1413. The proper form of these orders is perfectly well known, and the Court will not assist parties who do not adhere to them. The order of Sessions cannot, in this respect, be aided by the order of Magistrates, as the one is not incorporated with the other, but annexed in a schedule. Secondly, there is no present adjudication. In *The King v. Maulden* there were the words, “do order,” &c. after the words “having adjudged.” Thirdly, for anything that appears any two Magistrates of the county may have been the respondents in the appeal. Lastly, the uncertainty as to the county in which Kirkby Lonsdale is, vitiates the order. A special statutory authority should be strictly pursued—*The King v. Chilverscoton, The Queen v. Toke, The King v. Austrey* (13). Suppose the order had been “to the overseers of Bodmin and to the overseers of Casterton, in the county of Westmoreland, would that shew that Bodmin was in Westmoreland?” All that can be said is, that the words “in the said county” may be referred to the township of Casterton as the last antecedent—*Vin. Abr. tit. ‘Maxims,’ Baker v. Bacon* (14). The same objection applies to the order of removal.

*Cur. adv. vult.*

LORD DENMAN, C.J.—The principal question is, whether the Justices making the original order of removal, appear on the face of it to have jurisdiction, or, in other words, whether there are statements therein of sufficient circumstances to shew the Justices to be Justices of and for the county in which the removing township is situated. The order, so far as this point is concerned, is in the following terms:—“Westmoreland, to wit: to the overseers of the poor of the township of Kirkby Lonsdale, and the overseers of the poor of the township of Casterton, in the said county.” It then proceeds to state the complaint of the overseers of Kirkby Lonsdale, “to us whose names are hereunto affixed, being two of her Majesty’s Justices of the Peace in and for the said county.” The rest of the order, being in the usual form, and not being objected to, is not material to be set out. It was con-

(4) 1 B. & Ald. 327.

(5) Burr. S.C. 198.

(6) Ibid. 148.

(7) 2 B. & Ad. 487; s. c. 9 Law J. Rep. M.C. 77.

(8) Dwaris on Statutes, pp. 704, 806.

(9) 2 Q.B. Rep. 619; s. c. 11 Law J. Rep. (n.s.) Q.B. 75.

(10) 8 Ad. & El. 227; s. c. 7 Law J. Rep. (n.s.) M.C. 74.

(11) 11 Ibid. 373; s. c. 9 Law J. Rep. (n.s.) Q.B. 47.

(12) 1 Roll. Rep. 135.

(13) 6 Mau. & Selw. 325.

(14) Moore, 754.

tended in argument, that, inasmuch as the Justices had failed to describe themselves in terms as being Justices of and for the county of Westmoreland, their jurisdiction for making the order is not shewn, and, therefore, it cannot be supported. Two cases were cited; one of *The King v. Chilverscoton*, and the other of *The King v. Moor Critchell*. It was admitted by the learned counsel, in arguing against the validity of the order, that the latter can no longer be considered as law by us, and we are of opinion that neither of the cases cited are applicable to the present. In the case of *The King v. Chilverscoton* the county was named in the margin of the order, and in the body of it one parish was described as being in one county, and the other in the other; and it was on this circumstance, the mention of the two counties, that the want of jurisdiction of the removing Justices was made to depend,—the Court considering that it was left uncertain of which county they were Justices. In the case of *The King v. Moor Critchell*, the county of Wilts was in the margin of the order, but in the body of it the county of Dorset was mentioned; also the Justices described themselves as "Justices in and for the said county;" and upon this the Court held that it ought expressly to appear that the Justices had jurisdiction to make the order, and that two counties having been mentioned before, they ought to have stated of which county they were Justices. It is obvious, therefore, that the order in the present case is free from that uncertainty which, in both the instances referred to, the Court considered to be fatal. And the question seems to resolve itself into this, whether the margin is to be considered part of the order or not, because if it be, the two contending townships are described as being in the county of Westmoreland, none other being named, and the removing Justices as being Justices of that county, by words of direct reference. Now this point seems to have been long settled; the case of *The King v. Holbeck* is thus reported. It was objected to the order of removal that the borough of Leeds is not mentioned in the body of the order, but only in the margin, and therefore it does not appear that the two Justices had jurisdiction to make this order. Lee, C.J. said, "I take it to be settled that in orders

the margin is ever to be considered as part of the order, and a clear, plain reference to it is sufficient," and the Court decided thereupon. We are of opinion, so construing the present order, that it may be sustained, and that the jurisdiction of the Justices making the order sufficiently appears. It was also objected, although to this I believe an answer was given at the time, that the order of Sessions is defective, inasmuch as it purports to be in the shape of recital, and not of direct allegation; we think, however, that the order does adjudicate, and that objection must therefore fail, and that the rule must be discharged.

*Rule discharged.*

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1844. { THE QUEEN v. THE INHABITANTS OF ST. SEPULCHRE, NORTHAMPTON.  
Nov. 29. }

*Order of Removal—Examination—Certainty in Renting a Tenement.*

*Where the landlord stated in his examination that, on the 22nd of July 1839, he let a house, situate, &c. to A. "at the rent of 10l. per annum," exclusive of parochial rates, and that A. occupied the house until the 22nd of July 1841, and paid him the whole of the rent during that time; and the examination of A.'s widow stated, that she and her husband went to the house in July 1839, and resided in it till March 1842, when her husband died:—Held, (dissentiente Coleridge, J.) that the examination did not sufficiently disclose a hiring for a year or a residence under a yearly hiring.*

On an appeal against an order of two Justices, for the removal of Ann Adams, widow, and her three children, from the parish of Farthingstone, in the county of Northampton, to the parish of St. Sepulchre, in the town of Northampton, in the said county, the Sessions confirmed the order, subject to the opinion of the Court on the following

#### CASE.

The order of removal was grounded on certain examinations; the material portions of those on which any question arose are the following:—

The examination of Joseph Putley states,

"on the 22nd of July 1839, I let a house, situate at No. 10, in Leicester-street, in the parish of St. Sepulchre, in the town of Northampton, to Thomas Adams, the husband of the pauper Ann Adams, at the rent of 10*l.* per annum, exclusive of parochial rates. The said Thomas Adams occupied the house until the 22nd of July 1841, and paid me the whole of the rent during that time."

The examination of the pauper Ann Adams, 13th of December 1843, states, "in the month of August 1832, I was married to Thomas Adams, shoemaker, who, at that time, resided in the parish of Weedon Beck, in the said county, at the parish church of Weedon Beck aforesaid. In the month of July 1839, my said husband and I went, with our two children, Reuben Adams and Mary Adams, to a house, No. 10, in Leicester-street, in the parish of St. Sepulchre, in the town of Northampton, belonging to Mr. Putley; we resided in that house till March 1842, when my husband died. I am chargeable to the parish of Farthingstone."

Amongst other grounds of appeal were the following:—Fourthly, that the said examinations are defective and insufficient, inasmuch as it is not therein stated, nor does it appear therefrom that the said Thomas Adams rented or occupied the house No. 10, Leicester-street, in the parish of St. Sepulchre, in the said examinations mentioned, or any other house or tenement in the said parish under a yearly hiring. Fifthly, that it is not stated in the said examination, nor does it appear therefrom, that the said Thomas Adams ever *bonâ fide* rented a tenement in the said parish of St. Sepulchre, at the sum of 10*l.* a year at the least, for the term of one whole year, or that he occupied any such tenement under such yearly hiring, and actually paid the rent for the said time, to the amount of 10*l.* at the least, for the term of one whole year. Sixthly, that it is not stated in the said examination, nor does it appear therefrom, that the said Thomas Adams resided for forty days or upwards, in the said parish of St. Sepulchre, whilst renting and occupying a tenement therein, at a yearly rent of 10*l.* or upwards.

At the trial of the appeal it was objected, on behalf of the appellants, that the ex-

aminations were defective for the causes set forth in the foregoing grounds of appeal. The Court of Quarter Sessions confirmed the order, subject to the opinion of this Court, on the above objections. If the Court should be of opinion that the Court of Quarter Sessions ought to have given effect to the above objections, or either of them, the order of Sessions to be quashed, otherwise the order of Sessions to be confirmed.

*Macaulay* and *Mills*, in support of the order of Sessions.—There is, on these examinations, sufficient evidence that the pauper's husband rented a tenement for a year at the rent of 10*l.*, and as he occupied and paid rent for a year, and, by the statement of the wife, resided more than forty days in the appellant parish, the Sessions were right in holding the examinations sufficient, for, if what was stated in them was true, a settlement would be gained. *The Queen v. the Recorder of Pontefract* (1) will be relied on on the other side, but that case is distinguishable, as there was there no contract at all, but the mere fact of occupation and payment of rent, which the Court considered might have been consistent with a tenancy at will. In this case the contract as set out is for taking a tenement at 10*l.* per annum, which is equivalent to a taking at 10*l.* by the year, within the statute 6 Geo. 4. c. 57—*The King v. Herstonceaux* (2); and in *The Queen v. the Inhabitants of Pillingington* (3), Lord Denman says, "If the facts stated (in the examination) amount to a hiring for a year, the Justices may properly adjudicate that the settlement was gained, and remove the party; and they must form their opinions upon the effect of such statement." The Justices have done so in this case; they have properly adjudicated upon a state of facts which amount to clear evidence of a renting for a year. So as to the occupation. The yearly hiring being made out by sufficient evidence, the occupation for two years and the payment of the yearly rent during the whole time are sufficient evidence of an occupation under the yearly hiring. With respect to the residence the pauper expressly states it.

(1) 2 Q.B. Rep. 548; s.c. 12 Law J. Rep. (N.S.) M.C. 81.

(2) 7 B. & C. 551; s.c. 6 Law J. Rep. M.C. 35.

(3) 13 Law J. Rep. (N.S.) M.C. 61.

*Miller and Barlow*, contrà.—The Court cannot confirm the order without overruling *The Queen v. the Recorder of Pontefract*, for though in that case it was observed, that there was a hiring, yet as there can be no doubt that the occupation for a year, and the payment of a yearly rent, is evidence of a taking by the year, that case would have been decided differently if it were sufficient to state facts from which a hiring for a year might be inferred. In *The Queen v. Pilkington* a hiring and service were distinctly found by the Sessions, and the Court decided that, they having done so upon the evidence of facts which warranted such finding, this Court would not take upon itself to say that they had put the wrong construction upon that evidence. In this case nothing has been found by the Sessions; and the question entirely turns on the examinations, by which the order must stand or fall. Now, in drawing up the examinations the parties have but to look to the plain requirements of the statute 6 Geo. 4. c. 57, which are, that the tenement "shall be *bond fide* rented at and for the sum of 10*l.* a year at the least for the term of one whole year; and that it shall be occupied under such yearly hiring, and the rent paid for the term of one whole year." Parties who endeavour to charge a parish with the support of a pauper, should take care to bring themselves within the provisions of the act of parliament. Have the respondents done so in this case? There is no allegation that the house was hired for a year, or that it was occupied under such yearly hiring. There is only one of the three ingredients required by the statute set out, namely, the rent of 10*l.* With respect to the occupation, *The King v. Banbury* (4) shews that it is necessary that the occupation for a year should be under the same yearly hiring, and the Court will not intend in favour of the respondents what they have not alleged—*The Queen v. Wymondham* (5), *The Queen v. the Inhabitants of Leeds* (6), in which latter case the taking "for a year" was alleged.

(4) 1 Ad. & El. 136; a.c. 3 Law J. Rep. (n.s.) M.C. 76.

(5) 2 Q.B. Rep. 541; a.c. 12 Law J. Rep. (n.s.) M.C. 74.

(6) 13 Law J. Rep. (n.s.) M.C. 88.

LORD DENMAN, C.J.—I am of opinion, that in this case we are bound to adhere to the express words of the statute, and to hold that the statement in these examinations is not sufficient. We cannot infer anything beyond what the examinations themselves disclose; and this Court has, in successive decisions, laid down certain rules to which we must adhere. We shall have no reason to regret so doing in this case, if the effect is to produce greater care and precision in framing these documents. The order of Sessions must be quashed.

WILLIAMS, J.—I am of the same opinion. I think we must be guided by *The Queen v. the Recorder of Pontefract*, which has never been overruled; and we cannot go beyond the examinations themselves, to intend anything to support them.

COLERIDGE, J.—In this case I am not satisfied that the examinations do not disclose sufficient to support the order of Sessions; and I am bound to say, that I cannot agree with the rest of the Court in the conclusion at which they have arrived. Were it not for the case of *The Queen v. the Recorder of Pontefract*, I should have felt no difficulty in saying that there was a sufficient statement of a yearly hiring; if this case was not distinguishable, I should, of course, be bound by it. Mr. Macaulay, however, has succeeded in satisfying my mind that the cases are distinguishable, on the ground that there was in this case an actual contract of hiring. The examination states, that "on a given day A. lets to B. a house at the rent of 10*l.* per annum;" there is then a statement of occupation in general terms, till a period two years subsequent; and, under the allegation of payment of the whole of the rent during that term, I ought, in all fairness, to infer the rent for the premises mentioned to have been let; if so, there is sufficient evidence of a renting, occupation, and payment of rent, to support the order of removal.

WIGHTMAN, J.—In this case I agree with my Lord and my Brother Williams, that the order of Sessions ought to be quashed. There are many cases in which it has been laid down that nothing is to be taken by intendment in examinations, and that it is not sufficient to state evidence from which a material fact is to be inferred. The statute distinctly says, that the tenement must

"be rented at and for the term of 10*l.* a year at the least, for the term of one whole year, and that it shall be occupied under such yearly hiring, and the rent paid for the term of one whole year." In this case, even assuming that there has been a letting for a year, still there is no statement of any occupation under a yearly hiring; this is so worded as to be consistent with an occupation under different lettings.

*Order of Sessions quashed.*

BAIL COURT. { THE QUEEN v. THE JUSTICES  
1844. { OF THE WEST RIDING OF  
Nov. 23. { YORKSHIRE, (STANLEY v.  
ALVERTHORPE).

*Appeal, Time of giving Notice of—Order of Removal—Poor Law.*

*Under sect. 79. of 4 & 5 Will. 4. c. 76. notice of appeal may be given against an order of removal after the lapse of more than twenty-one days from the service of the copies and notice required by that section on the appellant parish, though the pauper has not been removed.*

An order of removal of three paupers from the township of Alverthorpe with Thornes, to the township of Stanley cum Wrenthorpe, was made on the 29th of July 1844; and a copy of it, with the proper notices, and a copy of the examination, put into the post, on the 1st of August, and received by the overseers of the appellant township on the 2nd of August. On the 24th of that month, notice of appeal was served, and no removal having taken place, the appeal came on to be heard at the Michaelmas Quarter Sessions, for the West Riding of Yorkshire. It was then objected by the respondents, that the notice of appeal was a nullity, inasmuch as it was given after the expiration of more than twenty-one days from the service of the order allowed by the 79th section of 4 & 5 Will. 4. c. 76, and before the removal. The Sessions held this to be a fatal objection, and refused to hear the appeal. A rule *nisi* for a mandamus to the Sessions, to enter continuances and hear the appeal having been obtained,—

*Hall and Overend* shewed cause.—The right of appeal against orders of removal

was given by the statute 13 & 14 Car. 2. c. 12. s. 2. in the first instance; and upon the words of that statute it was held, that there was no appeal till the removal, because no person was aggrieved by an order, which the parties obtaining it might never execute—*The King v. the Inhabitants of Norton* (1). Lord Kenyon's observations, in *The King v. the Justices of Herefordshire* (2), also shew that the appeal was to be to the next practicable sessions after the removal, and not after the date of the order. This right was extended by statute 49 Geo. 3. c. 124. s. 3, which permitted an appeal at once in cases of suspended orders. Then, by the 79th section of the Poor Law Amendment Act, 4 & 5 Will. 4. c. 76, it is provided that no poor person shall be removable, until twenty-one days after notice of chargeability, and a copy or counter part of the order and a copy of the examination shall have been sent by post to the overseers of the parish to whom the order is directed; and that if notice of appeal shall be received by the officers of the parish, procuring the order, within the said period of twenty-one days, it shall not be lawful to remove such poor person until after the time for prosecuting such appeal shall have expired, or in case such appeal shall be duly prosecuted, until after the determination of such appeal. Under that section the present question arises; and it is, whether, when parties have omitted to appeal within the twenty-one days after the sending of the order and notices, they can appeal, until after a removal has taken place. A power of appeal can only be conferred by the express terms of a statute; and, being an infringement on the common law, the clauses giving the right must be construed strictly—*The King v. Hanson* (3), *The King v. Skone* (4), *The Queen v. Stock* (5). Then a new right of appeal is given by the concluding words of this section, but it is confined within the terms of it; and, therefore, can only be given within the twenty-one days mentioned in it. *The King v. the Justices of Suffolk* (6) is

(1) 2 Str. 831.

(2) 3 Term Rep. 504.

(3) 4 B. & Ald. 521.

(4) 6 East. 514.

(5) 8 Ad. & El. 405; s. c. 7 Law J. Rep. (N.S.) M.C. 93.

(6) 4 Ibid. 319; s. c. 5 Law J. Rep. (N.S.) M.C. 3.

the only case which militates against this position; but that case was decided immediately after the passing of the Poor Law Amendment Act, and before its provisions had been canvassed. It had not then been held that there was still a right of appeal, after the removal, and it was then the general impression that the right of appeal was simply under the old, as corrected by the new statute. The course of the argument shews this to have been so; and, ultimately, the case went off upon the questions, whether the grounds of appeal could be delivered before the notice of appeal; and also, whether fourteen days' notice of appeal was not necessary in every instance. The practice of the sessions, requiring only seven days' notice, could confer no fresh right of appeal; and without notice, they had no jurisdiction—*The King v. the Justices of Lincolnshire* (7). *The King v. the Justices of Leicester* (8), in 1836, was the next case; but it does not appear from these that the paupers had not been removed; and, at all events, proceeded upon the same assumption, as *The King v. the Justices of Suffolk*. *The King v. the Justices of Cornwall* (9) followed; but there the notices had been served only on the 8th of June. The Sessions were held on the 28th of June: on the 29th, the pauper was removed; and the question was, whether the parish could appeal to the October Sessions, having failed to give notice of appeal for the Midsummer Sessions: that is, clearly, no authority upon the present point. Then came the case of *The Queen v. the Justices of Salop* (10), and there, Littledale, J., for the first time, pointed out that the serving of the order was no grievance under section 81, because it created only a possible contingency, and that the appeal given by section 79. was a distinct right of appeal; that the old right remained, and the parties had their option, whether they would appeal in the first instance, or upon the removal. There the pauper had been actually removed, and the appeal was against that grievance. That case was decided in 1837. *The Queen*

*v. the Justices of Herefordshire* (11) occurred in 1840; but there the notice had been given within the twenty-one days; and the only question was, as to which were the next practicable sessions. In *The Queen v. the Justices of Middlesex* (12) an informal notice for the next sessions was given, and nothing done upon it; and then the pauper was removed, and an appeal thereupon, to the next session, after the removal, and this was held to be good. That was followed by *The Queen v. the Justices of Cheshire* (13), in which case the pauper had also been removed, and the appeal was upon that grievance. The last case was *The Queen v. the Justices of Lancashire* (14); but that was a suspended order; and the only question was, which were the next sessions to which the appeal ought to be made? No case has, therefore, occurred where this question has been considered by the Courts, since the decision in *The King v. the Justices of Cornwall*, and *The Queen v. the Justices of Salop*, which, for the first time, pointed out that the old appeal stood, and that an entirely new right was created by the 79th section. The judgment of Littledale, J., in the latter of those cases, shews, that, although under section 80. the service of the order is a grievance, still it is not a grievance against which *per se* the parties could appeal.

*Pashley and Pickering*, in support of the rule.—Before the recent statute it is quite clear that parties could not appeal against an order until the removal had been made under it, because they were not aggrieved, not being liable to maintain the pauper. This is recognized by the statute 8 & 9 Will. 3. c. 20. s. 6; but the 80th section of the recent act having imposed this burden upon them from the service of the order, the service of the order became a grievance. The parties, therefore, have a full right to appeal then, and the 79th section does not limit it, but merely prevents the removal of the pauper within a given time. The cases, however, of *The King v. the Justices of Suffolk* and *The King v. the Justices of Leicester* are precise and

(7) 3 B. & C. 548.

(8) 4 Dowl. P.C. 633.

(9) 6 Ad. & El. 894; s.c. 6 Law J. Rep. (n.s.) M.C. 118.

(10) 6 Dowl. P.C. 28.

(11) 8 Dowl. P.C. 638.

(12) 9 Ibid. 163.

(13) 1 Dowl. n.s. 570; s.c. 11 Law J. Rep. (n.s.) M.C. 85.

(14) 12 Law J. Rep. (n.s.) M.C. 110.

direct authorities upon this; and in order to warrant the decision of the Magistrates those cases must be overruled. They have been recognized as being good law, in *The Queen v. the Justices of Middlesex*, which was decided some time after *The Queen v. the Justices of Salop*. It is admitted, in support of the rule, that there is a grievance by the order for twenty-one days; but that is said suddenly to cease, and it is suggested, that there is a sort of vacuum between the expiration of that period and the period of actual removal. No reason can be suggested for this; and it is clear that the appeal is under the old statute, for that it is which regulates the notice, and points out who are to be the parties. The statute 4 & 5 Will. 4. c. 76. merely extends that statute, by rendering the service of the order a grievance; and once being a grievance, it continues to be so.

WIGHTMAN, J.—This is said to be a case of novelty; but I do not feel much difficulty in coming to a conclusion respecting it. The statute 13 & 14 Car. 2. c. 12. gave an appeal to the Sessions to the party aggrieved; but it was considered that a mere order of removal constituted in itself no grievance; and, therefore, no appeal could be prosecuted till the removal of the pauper. The New Poor Law Act, however, provides that the pauper shall not be removed till twenty-one days after service of the order of removal, and even then, if notice of appeal be given, that he shall not be removed until after the next sessions. The party, therefore, has then clearly a right to appeal. The cases of *The Queen v. the Justices of Salop* and *The Queen v. the Justices of Middlesex* have decided, that if this notice be omitted to be given, nevertheless the parties may appeal, after the removal. Then the point of the present argument is, that, if the twenty-one days are permitted to elapse without notice being given, a notice cannot be given until after the actual removal. But the only reason why removal was requisite, before the recent statute, was, that the removal created the grievance, and until then there was none; but the new act directs that the expense of maintaining the pauper shall be borne by the appellant parish from the time of giving notice of the order, and it is con-

ceded by Mr. Hall, that, under these circumstances, the order itself operates as a grievance; the parish, therefore, may appeal upon that.

*Rule absolute.*

1844. } THE QUEEN v. THE INHABITANTS OF WOOLDALE.  
Nov. 16, 20. }

*Apprenticeship, Settlement by—Examination—Indenture—Mistake—Ambiguity.*

*An indenture of apprenticeship purported to be made between John B., of the one part, and J. R. of the other part, and was to the effect that John B. bound himself apprentice to J. R., and covenanted with him: and in a subsequent part of the indenture J. R., the master, covenanted with the said Joseph B., apprentice, and the indenture purported to be executed by Joseph B. The removing Magistrates took the examination of Joseph B.; in which he stated that he was the person who executed the indenture, and served under it, and that he was called John B. in the indenture by mistake:—Held, that this was not such an ambiguity as to render the deed void, and that the facts stated by Joseph B. were properly taken in his examination, and were legal evidence to prove that he was the person who executed the indenture and served under it.*

*Held also, that, it being stated in the deed that the apprentice was bound till he attained the age of twenty-one years, and the age of Joseph B. appearing on the examination, and also it being therein stated, that he served under the deed, and resided with his master until he was twenty-one, a forty days' binding, service, and residence sufficiently appeared.*

Upon an appeal against an order of two Justices for the removal of Joseph Beaumont and Alice his wife, from the township of Upperthong, in the West Riding of Yorkshire, to the township of Wooldale, also in the said West Riding, the Court of Quarter Sessions confirmed the order, subject to the opinion of this Court on the following

CASE.

The only examination on which the said order of removal was made, was that of the said Joseph Beaumont; and the same, so far as related to the said Joseph Beaumont's



alleged settlement in the township of Wooldale, was as follows:—"I am seventy-one years of age; my father's name was John Beaumont; he resided at Scarfold in Upperthong, and was a cloth-dresser. On or about the 28th day of March 1789, I was bound apprentice to Joseph Roberts, of Cinderhills, in the township of Wooldale, in the said riding, clothier, by the indenture of apprenticeship now produced, bearing date the said 28th day of March 1789, and made between the said Joseph Roberts, therein described 'Joseph Roberts, of Cinderhills, in the parish of Kirkburton and of York, clothier,' of the one part, and myself, therein by mistake called John Beaumont, and therein described 'John Beaumont, of Holmfirth, in the parish of Almondbury, and county aforesaid,' of the other part; my master, the said Joseph Roberts, resided and inhabited at Cinderhills in Wooldale, and I lived with him there for some time before I was bound apprentice. I also resided, inhabited, and slept at my said master's house at Cinderhills in Wooldale aforesaid, as an apprentice under the said indenture for several years, and until I was twenty-one, and at liberty from my master. My father is one of the witnesses to the indenture. When the indenture was executed it was left in the care of John Beaumont, carrier, the other witness to it. And when I came of age I got it from him, and have kept it ever since. I have done no act to gain a settlement in my own right since I was apprenticed to Joseph Roberts as aforesaid."

The indenture of apprenticeship above referred to, and which was set out verbatim in the case, and a copy of which was duly sent by the overseers of Upperthong to the overseers of Wooldale, was as follows:—"This indenture, made the 28th of March 1789, between Joseph Roberts, of Cinderhills, in the parish of Kirkburton, and of York, clothier, of the one part, and John Beaumont, of Holmfirth, in the parish of Almondbury and county aforesaid, of the other part, witnesseth, that the said John Beaumont hath, of his own free will, and with the consent of, and by his father's, John Beaumont, has put and bound himself apprentice to and with the said Joseph Roberts, and with him, after the manner of an apprentice, to dwell, remain, and serve

from the date hereof, for, during, and until the term of his attaining the age of twenty-one years thence next following, to be fully completed and ended, during all which term the said apprentice his said master well and faithfully shall serve, &c. [here followed the apprentice's covenants]. And the said Joseph Roberts for himself, his executors, administrators, and assigns doth covenant, promise, and grant by these presents, to and with the said Joseph Beaumont, apprentice, that he, the said Joseph Roberts, his executors, administrators, or assigns, shall and will teach, learn, and inform him the said apprentice, or cause him to be taught, learned, and informed in the art and mystery of a clothier, which the said master now useth, &c. [here followed the master's covenants]. And for a true performance of all and singular covenants and agreements aforesaid, each of the parties aforesaid doth bind himself unto the other firmly by these presents; in witness whereof the parties above named to these present indentures interchangeably have set their hands and seals the day and year above written.

"Sealed and delivered (being first duly stamped,)

"Joseph Roberts. (L.s.)

"John Beaumont. (L.s.)

"John Beaumont, carrier.

"John Beaumont, clothier."

The following were the grounds of appeal against the said order:—First, that the said examinations do not, nor either of them does disclose any ground of settlement in and removal to our said township, other than an alleged service and residence there, under a supposed indenture of apprenticeship; which said indenture, as appears by the examination of the said Joseph Beaumont, being one of the said examinations whereon the said order was made, is and always was bad and insufficient, and not obligatory on any person thereby supposed to be bound apprentice, inasmuch as the said indenture is and always was ambiguous on the face thereof, both as to the person who was intended to be bound apprentice thereby, and the term for which it was intended that he should be bound, and, in other respects. Secondly, that the said supposed indenture, appearing by the said examination of the said Joseph Beaumont to be ambiguous on the face of it, as in the preceding ground of

appeal is mentioned, the said Justices at the hearing wherein the said order was made improperly and contrary to law admitted parol evidence in explanation of the said ambiguities, as appears by the said examination of the said Joseph Beaumont; and the said examinations, whereon the said order was made, do not, nor either of them does, contain legal evidence of the supposed binding of the said Joseph Beaumont. Thirdly, that assuming the said evidence to have been properly admitted by the said Justices, and that the said Joseph Beaumont did, at the time and in the manner in the said examination of the said Joseph Beaumont mentioned, sign, seal, and deliver as his deed, the document in the same examination described and set forth as an indenture, nevertheless the said examinations, whereon the said order was made, do not, nor either of them does, shew that the said Joseph Beaumont was ever bound apprentice to the said Joseph Roberts, in the said examination of the said Joseph Beaumont mentioned, the supposed mistake in the said examination of the said Joseph Beaumont mentioned being such as altogether to prevent the said supposed indenture from being or taking effect as the deed of the said Joseph Beaumont.

When the case came on to be heard, it was admitted by the respondents, that the said examination of the said Joseph Beaumont, so far as is material to the present case, and the said indenture, were as above set forth; and it was thereupon insisted, by the appellants, that the said order of removal ought to be quashed for the several reasons assigned in the above stated grounds of appeal.

The Court of Quarter Sessions, nevertheless, confirmed the order, subject to the opinion of the Court of Queen's Bench.

If the Court of Queen's Bench should be of opinion that, on any of the objections stated in the forementioned grounds of appeal, the Sessions ought to have quashed the order, then that order and the order of Sessions confirming the same to be severally quashed, otherwise both the said orders to be affirmed.

*Pickering and Hardy*, in support of the order of Sessions.—The signature of the apprentice is in the right name, and it is

admitted that the party mentioned in the indenture is the right party. The master might have sued Joseph Beaumont on the indenture—*Mayelstone v. Lord Palmerston* (1). The declaration has been properly framed to shew the identity of the parties. *Hall v. Cazenove* (2) is an analogous case. If it had been averred in a declaration that the partes were the same, it could not have been contended, that the deed was a nullity—*Williams v. Bryant* (3), where all the authorities are collected. Suppose, even, that the signature had been in a wrong name, the deed would not have been a nullity—*Evans v. King* (4). The covenant by the master is not necessary—*The King v. St. Peter's on the Hill* (5). In *The King v. Exminster* (6), the Court held that they might intend that one surname meant another in the assignment of a parish apprenticeship, under 32 Geo. 3. c. 57. s. 7. In *Doe d. Westlake v. Westlake* (7), parol evidence as to who was intended by a particular name was rejected, because there was enough on the face of the will to shew what party was intended. *Morris's case* (8), *Gould v. Barnes* (9), *Maby v. Shepherd* (10), *Hyckman v. Shotbolt* (11), all go to shew that Joseph might be sued by the name of John. Then as to the ambiguity whether the father or son were intended to be bound, that does not affect the instrument: parol evidence may be given to explain, and the ambiguity as to the term does not avoid it, as it would not be void if no term were mentioned—*The King v. Woolstanton* (12). The party binds himself, and it is not a binding by the parish officers. The deed would, therefore, at most be only voidable, not void—*Bac. Abr.* tit. 'Grant,' (H. 2.) *Boraston's case* (13), *Lady Hewley's case* (14), *Doe d.*

(1) Moo. & Mal. 6.

(2) 4 East, 477.

(3) 5 Mee. & Wels. 447; s.c. 9 Law J. Rep. (N.S.) Exch. 47.

(4) Willes, 554.

(5) 2 Bott. P.L. 495.

(6) 6 Ad. & El. 598; s.c. 6 Law J. Rep. (N.S.) M.C. 82.

(7) 4 B. & Ald. 57.

(8) 1 Leach, C.C. 109.

(9) 3 Taunt. 504.

(10) Cro. Jac. 640.

(11) Dyer, 279, (b).

(12) 1 Bott. P.L. 707.

(13) 3 Rep. 19, b.

(14) 2 Phil. Ev. 286.

*Gord v. Needs* (15), *Wigram on Extrinsic Evidence*, pp. 87, 93, *Miller v. Travers* (16), *Lord Say and Seal's case* (17), *Dowset v. Sweet* (18). The party here described as the son of John Beaumont has executed the deed and taken a benefit under it.

[COLERIDGE, J.—Would John or Joseph be liable on the covenant?]

The party bound, and who took the benefit of the covenant—*The King v. Arnesby* (19). This is not strictly a patent ambiguity—*Colpoys v. Colpoys* (20). Lastly, this objection could only be taken by the parties to the deed—*The King v. Wickham* (21), *The King v. Cheadle* (22), *Evans v. King* (23), *Monkhouse v. Hutchison* (24), *Doctrina Placitandi*, 'Pleading,' 'Misnomer,' *The King v. St. Nicholas, Ipswich* (25).

[WILLIAMS, J.—How does it appear that the apprentice served for forty days?]

It may be collected from the dates and the age of the pauper.

*Hall and Pashley*, contra.—First, the deed contains a patent ambiguity, and could not have been sued on as the deed of Joseph—*Clarke v. Istead* (26).

[WIGHTMAN, J.—That case goes no further than *Maby v. Shepherd*; suppose there was an action against Joseph by the name of John, with a suggestion that he was as well known by one name as the other?]

That was not the fact; besides, the deed is void if the party is misdescribed throughout.

[COLERIDGE, J.—You only get at the mistake by parol evidence.]

On the face of the instrument it would appear that there were two persons of the name of John. The case of *The King v. Exminster* does not apply. There the word "said" identified the party, and there being the right

christian name, the surname might be rejected—*The King v. Morris* was a similar case—*Com. Dig.* 'Fait' (A) 2.

[WIGHTMAN, J.—In *Evans v. King* it was held a bad plea in abatement, that the name by which a party was sued was not his name of baptism.]

*Williams v. Bryant* was the case of a party who was commonly known by the name by which he executed the bond; and at p. 455 of the judgment that case is distinguished from *Hyckman v. Shotbolt* on that very ground. *Williams v. Bryant* only decided that a bond was not void, which is in the name, whether such name be the first or christian name or family name, by which the party is commonly called or known. In the case of warrants, whether civil or criminal, an officer is not justified in taking a party misnamed in the warrant, though he is the party meant—*Hoye v. Bush* (27).

LORD DENMAN, C.J.—It appears to me that the Sessions have done right in this case. A deed is produced, under which Joseph Beaumont is said to have gained a settlement, and the first question is, whether he, Joseph Beaumont, has executed it; and there can be no question that he did. He signs, seals, and delivers it. The indenture certainly presents a difficulty; but, I think, there is really no ambiguity in it; the person who throughout the indenture is described as the apprentice, is the party to it; and though the name of John is introduced by mistake, in the first instance, I think the description of apprentice and person bound in effect removes all difficulty. I think, therefore, there is no ambiguity beyond that which may be said to exist as to who was the party who really executed it, and that is removed by the evidence. Then, as to the other point, it was not much insisted on. It certainly is an extraordinary mode of expression, but we cannot but see that the period exceeds forty days. A great deal of learning has been produced before us, and the authorities are collected in the case before the Court of Exchequer, and even there the defence set up could not, under any circumstances, have been made available since the New Rules. The question here is,

(27) 1 Man. & Gr. 775; s.c. 10 Law J. Rep. (N.S.) M.C. 168.

(15) 2 Meo. & Wels. 129; s.c. 6 Law J. Rep. (N.S.) Exch. 59.

(16) 8 Bing. 244.

(17) 10 Mod. 43.

(18) Amb. 175.

(19) 3 B. & Ald. 584.

(20) Jac. 463.

(21) 2 Ad. & El. 517; s.c. 4 Law J. Rep. (N.S.) M.C. 46.

(22) 3 B. & Ad. 833; s.c. 1 Law J. Rep. (N.S.) M.C. 75.

(23) Willes, 554; s.c. 3 Lev. 21.

(24) Bunb. 101.

(25) Burr. S.C. 91.

(26) 1 Lutw. 894.

whether there has been enough here to constitute a binding of the pauper; I think there was, and that a settlement was therefore gained by service under the indenture.

WILLIAMS, J.—The counsel for the appellants have rightly stated the question to be, who was the party actually bound? It is the binding himself to serve, that is the main ingredient in a party's gaining a settlement. The deed must be shewn to apply to somebody, and that was all that was done on the present occasion; and, I think, the parol evidence was rightly given to shew to whom it applied; the right party comes forward and says, I am the man; Joseph then was the person bound. As to the confusion between the names of John and Joseph, I concur with the rest of the Court that Joseph is sufficiently described as being the apprentice, and that it is not left uncertain whether it was John or Joseph. As to the curious wording of the indenture, if bad and doubtful English could avoid a deed, this deed would perhaps be void; but no man can doubt that the meaning was, that the party should be bound till he was twenty-one years of age, there is abundant evidence of a forty days' residence.

COLERIDGE, J.—I am entirely of the same opinion.—There is here, strictly speaking, no ambiguity, but a difficulty of construction, which is a different thing. In all cases of proof of a deed some parol evidence must be given; if you wish to prove the execution of a deed by John Smith, you must give some evidence to apply the deed to the individual John Smith. In this case Joseph Beaumont is called, and he says I am the person; and moreover when you look into the deed you see that the master covenants with the said Joseph Beaumont, apprentice. Can there be any doubt that the said name John in the deed refers to Joseph? Then, as to the other point: you find bad English in the indenture, no doubt, and the question is, can you make out a meaning from it? I think you can; and from looking at the deed there can be no doubt that there was a binding for forty days, and the master covenants to pay yearly wages.

WIGHTMAN, J.—I am of the same opinion.—On the face of the deed there are only two parties, Joseph Roberts and John Beaumont; and it also appears that the party who at the beginning of the deed is called John

Beaumont is intended to be apprenticed. At the end of the deed there is:—"In witness whereof the parties above named to these indentures have set their hands and seals," and then comes the signature. I think the parties signing and sealing admit themselves thereby to be the parties named in the deed; and that if Joseph had been sued in the name of John he would have been estopped from saying that his name was not John, but Joseph—*Hyckman v. Shotbolt, Maby v. Shepherd*: or it might have been averred that the party was as well known by one name as the other, and the signing by the name of Joseph would be cogent evidence of the identity of the person. The mode of proceeding was referred to in *Williams v. Bryant*. The only remaining question is, for what time the apprentice was bound? and as to that the rule applies *certum est quod certum reddi potest*.

*Order of Sessions confirmed.*

1844. }  
Nov. 4. } *Re JACQUES BESSET.*

*Habeas Corpus—Convention Act, 6 & 7 Vict. c. 75—Foreigner.*

*Authority of the Court of Queen's Bench to grant a writ of habeas corpus at common law, and to discharge a foreigner from the custody of a gaoler returning no legal warrant of detention.*

By stat. 6 & 7 Vict. c. 75, the Secretary of State, upon requisition duly made by the King of the French, to deliver up to justice persons within the Queen's dominions accused of having committed certain crimes in France, are authorized by warrant under hand and seal to signify that such requisition has been made, and to require all Justices, &c. to aid in apprehending and committing such person for the purpose of being delivered up, &c.; and any Justice is authorized to examine, &c., and upon such evidence as according to the laws of Her Majesty's dominions would justify the apprehension and commitment of the prisoner, if the crime had been committed there, to issue his warrant and commit the accused person to gaol, there to remain until delivered pursuant to such requisition as aforesaid. A warrant was issued by a Justice under this statute, reciting that it ap-

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*peared by a warrant of the Secretary of State, that J. B. was accused of having committed in France the crime of fraudulent bankruptcy, and that the facts were duly proved before him, and commanding the keeper of the gaol to receive the prisoner and to keep him until he should be discharged by due course of law:—Held ill, for not pursuing the authority given by the statute as to the time of commitment.*

Jacques Besset was committed to the Giltspur Street Compter, under the following warrant (1):—

"To all and every the constables and other officers of the peace for the city of London and the liberties thereof, whom these may concern, and to the keeper of the Giltspur Street Prison in London.

"London, to wit.—These are in Her Majesty's name to command you and every of you forthwith safely to convey and deliver into the custody of the said keeper, the body of Jacques Besset, being charged before me, one of Her Majesty's Justices of the Peace, in and for the said city and liberties,

(1) Statute 6 & 7 Vict. c. 75, after reciting the convention between Her Majesty and the King of the French, signed in London on the 30th of February 1843, enacts by section 1, "That in case requisition be duly made pursuant to the said convention, in the name of his Majesty the King of the French, by his ambassador or other accredited diplomatic agent, to deliver up to justice any person who, being accused of having committed, after the ratification of the said convention, the crime of murder (comprehending the crimes designated in the French penal code by the terms assassination, parricide, infanticide, and poisoning), or of an attempt to commit murder, or of forgery or of fraudulent bankruptcy, within the territories and jurisdiction of his said Majesty the King of the French, shall be found within the dominions of her Majesty, it shall be lawful for one of her Majesty's principal Secretaries of State, or in Ireland for the chief secretary of the Lord Lieutenant of Ireland, and in any of her Majesty's colonies or possessions abroad for the officer administering the government of any such colony or possession, by warrant under his hand and seal, to signify that such requisition has been so made, and to require all Justices of the Peace and other magistrates and officers of justice within their several jurisdictions to govern themselves accordingly, and to aid in apprehending the person so accused and committing such person to gaol, for the purpose of being delivered up to justice, according to the provisions of the said convention, and thereupon it shall be lawful for any Justice of the Peace, or other person having power to commit for trial persons accused of crimes against the laws of that part of Her Majesty's dominions in which such sup-

posed offender shall be found, to examine upon oath any person or persons touching the truth of such charge, and, upon such evidence as according to the laws of that part of her Majesty's dominions would justify the apprehension and commitment for trial of the person so accused if the crime of which he or she shall be so accused had been there committed, it shall be lawful for such Justice of the Peace, or other person having power to commit as aforesaid, to issue his warrant for the apprehension of such person, and also to commit the person so accused to gaol, there to remain until delivered pursuant to such requisition as aforesaid."

Wm. Magnay, Mayor of London."

Montagu Chambers having moved for the discharge of the prisoner upon *habeas corpus*,—(2)

Section 3, "Provided always, that no Justice of the Peace or other person shall issue his warrant for the apprehension of any such supposed offender until it shall have been proved to him, upon oath or by affidavit, that the party applying for such warrant is the bearer of a warrant of arrest or other equivalent judicial document, issued by a Judge or competent Magistrate in France, authenticated in such manner as would justify the arrest of the supposed offender in France upon the same charge, or unless it shall appear to him that the acts charged against the supposed offender are clearly set forth in such warrant of arrest or other equivalent judicial documents."

(2) A writ of *habeas corpus* was granted by Wightman, J., at chambers, during the vacation, but in consequence of the importance of the matter,

*E. James* shewed cause.—First, the crime was committed in France, and the prisoner is a native of that country; the writ, therefore, does not lie.

[*Montagu Chambers*, contra.—This only appears by affidavit, and there is no precedent for allowing affidavits in explanation or addition to the return.]

In *Hobhouse's case* (3) the circumstances of the prisoner's detention were shewn on affidavit, and the Court saw enough to remand him. So in *The Canadian Prisoners' case* (4). That the prisoner is a native of France, and that the crime was committed there, can only be shewn in this manner; so also where the prisoner has been convicted of felony, the fact of such conviction would appear on affidavit. When a party applies for a writ, he himself uses an affidavit; therefore affidavits must be used in answer.

[*LORD DENMAN, C.J.*—This warrant directs the gaoler to detain the prisoner until he shall be delivered by due course of law. The act of parliament, on which the commitment is founded, directs the commitment to be "till the prisoner is delivered, pur-

by consent, it stood over until the present term. The following were some of the material objections then raised to the commitment:—First, it does not shew that any requisition had been made to one of Her Majesty's Secretaries of State, upon the charge of fraudulent bankruptcy;—secondly, or that he had granted his warrant for such crime, or that such warrant was under his hand and seal;—thirdly, it does not state when the acts of fraudulent bankruptcy are charged to have been committed, or that they are charged to have been committed subsequently to the ratification of the convention;—fourthly, it does not state that a Judge in France was duly authorized to take cognizance of the offence.—fifthly, it does not state that the offence charged was committed "within the territories of the King of the French;"—sixthly, it does not state that the party was found within the jurisdiction of the Justice;—seventhly, it does not state that the Justice commits on such evidence as would justify him in committing, if the crime of which the party was accused had been committed in England;—eighthly, the offence is not stated in the warrant with sufficient distinctness and certainty, but is so loosely set forth that the Judge cannot understand it, or form a judgment whether the party is committed upon what appears to be fraudulent bankruptcy: the acts done, or the manner in which he became a fraudulent bankrupt, should be set forth;—ninthly, the conclusion is bad, as the commitment should be until "delivered pursuant to requisition, &c.;" for the commitment, being in pursuance of a special authority, must in terms pursue the authority.

(3) 3 B. & Ald. 420.

(4) 3 Mee. & Wels. 32; s.c. 8 Law J. Rep. (s.c.) Exch. 81, 229.

suant to the requisition, in the name of the king of the French;" and it does not even appear that there has been any requisition.]

It appears from the affidavits.

[*COLERIDGE, J.*—Under what statute is the *habeas* applied for?]

It can only be under 31 Car. 2. c. 2. The statute 56 Geo. 3. c. 100. does not apply to a criminal or supposed criminal matter.

[*Montagu Chambers*.—The application is made at common law.]

If the prisoner is a criminal fugitive from a foreign country, he is not entitled to the writ. In *The King v. M'Intosh* (5) it was held, that a party committed for treason done in Scotland, was not entitled to the *habeas* on the ground that the prayer was only to be tried, and this Court could not try a treason committed in Scotland. If the application is made at common law, the Court will not interfere on behalf of a foreigner who has committed a crime against the laws of his own country.

[*LORD DENMAN, C.J.*—Our gaolers are not gaolers for foreign states.]

There is no fatal defect on the face of the warrant. It is contended for the prisoner, that the powers of the act have not been strictly pursued, but the delivery by due course of law may be taken to mean, a delivery according to the mode prescribed by the act of parliament. It is true that in *Mash's case* (6), it was held, that where a commitment is in pursuance of a special authority, the conclusion "till he be discharged by due course of law" is ill. On the other hand, such a conclusion was held good in *Goff's case* (7).

[*LORD DENMAN, C.J.*—In that case there was a good adjudication at the commencement of the warrant; but you cannot contend that a discharge by due course of law means a delivery up in pursuance of a requisition in order to be tried in France.]

[*WIGHTMAN, J.*—There might be no requisition.]

Then the prisoner would be entitled to his discharge. At all events, the Court will remand him.

[*WILLIAMS, J.*—But on your own shewing he has committed no crime against the laws of this country, or triable here.]

(5) 1 Stra. 308.

(6) 2 W. Black. 805.

(7) 3 Mau. & Selw. 203.

The Court will remand him, to be dealt with by the Magistrate before whom the requisition was in fact laid.

[WIGHTMAN, J.—That is to say, we are to discharge him from this warrant, and commit him under another.]

LORD DENMAN, C.J.—It is unfortunate, and it must be a matter of regret that the first attempt to put this act of parliament in force should have been made in so defective a manner; but we have no power, and the gaoler has no power except that which the act confers. Looking at this warrant we cannot but see that the powers so given by the act are not strictly or properly pursued. This warrant then cannot be maintained, and the prisoner is consequently entitled to his discharge. We are called upon in such a case to remand the prisoner, as being a person accused of a crime; we, however, can only look at the warrant, which is defective; and if the statute is not complied with, which it is not, we have no power at all. It is very fit to be understood, that the application for a *habeas* is properly made to the power of this court at common law.

*Prisoner discharged.*

1844. } THE QUEEN v. THE INHABIT-  
Nov. 20. } ANTS OF LATCHFORD.

*Examination, Statement in, of Settlement subsequent to that. relied on—Estoppel—Admission—Apprenticeship—Execution of Indenture.*

*The examination stated a birth settlement of the pauper in the appellant parish, and also disclosed facts which shewed a subsequent settlement gained by the pauper in the respondent parish by apprenticeship under an indenture, a copy of which was sent with the examinations. The grounds of appeal were, that the examinations were insufficient, and also that the pauper was settled in the respondent parish by apprenticeship and service under the indenture, as stated in the examinations:—Held, first, that the respondents, at the trial of the appeal, were not estopped or precluded from going into evidence of the birth settlement, by reason of the statement of the subsequent settlement by apprenticeship.—Held, secondly, that*

*the birth settlement having been proved, the binding of the pauper was not admitted, on the examinations and grounds of appeal, so as to render proof of it by the appellants unnecessary; but that the appellants, if they relied on such apprenticeship, were bound to prove the execution of the indenture.*

On an appeal against an order of two Justices for the removal of Peter Carter, his wife, and two children, from the township of Warrington, in the county of Lancaster, to the township of Latchford, in Cheshire, the Sessions confirmed the order, subject to the opinion of this Court on the following

#### CASE,

in which the following, amongst other examinations, were set out:—

“Richard Carter, of the township of Latchford, in the county of Chester, on his oath, saith, I am sixty-seven years of age; I married my first and present wife Mary, at the parish church at Grappenhall, in the said county, forty-two years ago. I have, by my said wife, a son named Peter, who was born on the 24th day of December in the year 1816, in the township of Latchford aforesaid. When my said son was upwards of eighteen years of age, he was bound apprentice, under a legally stamped indenture, for the period, and until the full end and term of five years, to John Gregory, of the township of Warrington, in the county of Lancaster, shoemaker. I signed the indenture for the binding of my said son Peter Carter; and the mark or cross opposite the first seal, on the indenture now produced, is my mark, and was made at the time above mentioned for the binding of my said son Peter Carter to John Gregory aforesaid. My said son Peter Carter served the said John Gregory, under the said indenture, for upwards of two years and ten months; and in the summer months, my said son slept in the township of Latchford aforesaid, during such service, under the indenture aforesaid; and my said son slept in the township of Warrington in the winter months during his service with his said master, under the indenture aforesaid; my said son Peter served his said master in the township of Warrington, up to and on the 23rd day of December, in the year of our Lord 1837; and my son Peter Carter, on the evening of the said 23rd day of December, in the year of our Lord aforesaid, slept and resided in

my house, in the township of Latchford aforesaid. My said son was twenty-one years of age on Sunday, the 24th day of December, in the year aforesaid, and he never served his said master afterwards. Peter Carter (the pauper, and the next person examined,) is my son, and he is now resident in and actually chargeable to the township of Warrington aforesaid."

"Peter Carter, on his oath, saith, I am twenty-seven years of age last birthday; I am the son of the last witness, Richard Carter. On the 16th day of February, in the year of our Lord 1835, being then upwards of eighteen years of age, I bound myself, with the consent and approbation of Richard Carter my father, to John Gregory, of the township of Warrington, cordwainer, for and until the full end and term of five years, under a legally stamped indenture, and which said indenture was duly signed by myself, my said father, and my master, in the presence of each other, and in the presence of Joseph Worrall, of Warrington, who witnessed the same. The indenture now produced is the one under which I was bound an apprentice as aforesaid. I served my said master under the said indenture, from the day of the date of the said indenture, on and until the evening of Saturday, the 23rd day of December in the year 1837, when I left my said master's house about eight o'clock in the evening of the said 23rd day of December last mentioned. During the time I so served my said master, under the indenture aforesaid, I resided and slept at the house of my said father in the township of Latchford, in the county of Chester, in the summer months, and, on the Saturday and Sunday evenings of the winter months, and during the remainder of the winter months, for five nights in each week I resided and slept in the township of Warrington, in the county of Lancaster aforesaid. I resided and slept in the township of Latchford, in the said county of Chester, for more than forty days, during which time I served my said master under the indenture aforesaid; and I resided and slept in the township of Warrington for more than forty days, during which time I served my said master under the indenture aforesaid. After I had served my said master under the said indenture, on the 23rd day of December in the year 1837, I went and slept at the

house of my said father, in the township of Latchford aforesaid, on the evening of the said 23rd day of December, and I continued to live and sleep at the house of my said father for upwards of two years after the said 23rd day of December, until I was married to my present wife Margaret, which took place at St. Paul's Church, in the said township of Warrington, about three years ago. I was twenty-one years of age on the evening of the 24th day of December in the year 1837, and I never served my said master under the indenture aforesaid, after the 23rd day of December, in the year last mentioned. I never did any act to gain a settlement by rental, or in any other way, after leaving my said master, and I left him on my arriving at the age of twenty-one years. I never received my said indenture from my master aforesaid.

"Joseph Worrall, of Warrington, on his oath, saith, I have seen the indenture of apprenticeship now produced before the Justices; and the handwriting, 'Josh. Worrall,' as the subscribing witness to the handwriting of the several parties named in the said indenture for the binding of Peter Carter to John Gregory, is my own proper handwriting."

The examination of John Gregory, the master, stated, that Peter Carter was apprenticed to him, but that he could not tell at what period he quitted the service, and that he had delivered the indenture to the overseers of the poor of Warrington, shortly before the removal of the pauper.

A copy of the indenture, which was in the usual form, dated the 16th of February 1835, for apprenticing Peter Carter to John Gregory, and purported to be duly stamped and executed, was sent with the examinations.

The following were (amongst others) grounds of appeal:—first, that the order and examinations, of which copies are sent to us, are bad on the face thereof;—secondly, that the examination whereon the said order of removal was made, is insufficient, and does not contain legal evidence of any settlement having been gained by the paupers or any of them, in our said township of Latchford;—thirdly, that in fact the said paupers, or any of them, are not nor is, and never were or was, legally settled in our said township of Latchford;—fourthly, that



the said paupers were at the time of the making the said order, and still are, legally settled in your said township of Warrington, by reason of the said pauper, Peter Carter, having been so apprenticed as in the said examination is stated, and having served under the said indenture of apprenticeship in the said township of Warrington, for more than forty days, and having slept in the said township of Warrington for more than forty days during such service, and on the last night thereof, and by reason of the said township of Warrington being the last place in which the said pauper (Peter Carter) completed the period of forty days' service and residence, under the said indenture of apprenticeship.

On the appeal coming on to be tried, the counsel for the appellants applied to the Court to quash the order, on the ground of insufficiency of the examinations to sustain it, or entitle the respondents to go into evidence in support of it, inasmuch as the examinations shewed that a settlement by apprenticeship had been gained by the pauper, Peter Carter, either in the township of Latchford, or else in the township of Warrington, whereby the birth settlement of the same pauper mentioned in the examinations was merged or destroyed; and that the examinations did not shew that the said settlement by apprenticeship had been gained in Latchford. The Court refused the application, and the counsel for the respondents having proved that the pauper, Peter Carter, was born in the township of Latchford, on the 24th of December, A.D. 1816, stated, he should rely on the birth settlement so proved, and closed the respondents' case, upon which the counsel for the appellants applied to the Court to quash the order, on the ground, that the respondents having in their examinations averred an apprenticeship of the pauper, Peter Carter, with a service under it, and residence during such service, sufficient to confer a settlement either in Latchford or else in Warrington, which apprenticeship was admitted, and which service and residence were not denied in the appellants' grounds of appeal, the birth settlement had been suppressed or destroyed by the settlement by apprenticeship, and that the respondents having relied on the birth settlement, had failed to support their order. The Court ruled against the applica-

tion, and called on the counsel for the appellants to go into their case. The appellants' counsel then called the pauper (Peter Carter), who proved that he had served John Gregory, of Warrington, from the 16th of February 1835, until the evening of Saturday, the 23rd of December 1837. That during the time he so served, he resided and slept in Latchford, in the summer months, and in Warrington in the winter months; and that during such service he had slept more than forty days in each of those townships; that he slept in Warrington on the night of Friday, the 22nd of December 1837; that when he left his master's house, on the evening of Saturday, the 23rd of December 1837, he had resolved not to return to his service under his apprenticeship; and that for a year previously he had fully determined to vacate his apprenticeship, as soon as by law he should be able to do so. This being the appellants' case, the counsel for the respondents contended that it failed, inasmuch as no apprenticeship had been proved, the indenture not having been produced or accounted for. The appellants' counsel contended, that the valid binding of the pauper (Peter Carter) to the said John Gregory, by indenture of apprenticeship, of which a copy was set out in the examinations, having been averred in the examinations by the respondents, and having been admitted by the appellants in their fourth ground of appeal, was so admitted for all purposes at the trial; and that the appellants could not be required to prove such binding. The Court found that the said Peter Carter served his apprenticeship with the said John Gregory, from the 16th day of February 1835 till the 23rd day of December 1837, and had slept in Warrington on the night of the 22nd of December 1837, and had slept and inhabited in Warrington aforesaid more than forty days, while so serving the said John Gregory, under the said indentures, and had attained his majority, and avoided his apprenticeship on the 23rd day of December in the same year, and that Warrington was the place of his last legal settlement, acquired under the said indenture; but the Court ruled, that the fact that the said Peter Carter having been bound apprentice to the said John Gregory, was not admitted on the examinations and grounds of appeal, so

as to render proof thereof by the appellants unnecessary, and therefore confirmed the order, subject to the opinion of the Court of Queen's Bench, on the following points, that is to say: Firstly, whether the examinations were sufficient to entitle the respondents to go into their case; secondly, whether the fact of the said Peter Carter having been bound apprentice to the said John Gregory, was not admitted on the examinations and grounds of appeal, so as to render it unnecessary that the appellants should prove the binding. If the Court should be of opinion that the examinations were not sufficient to entitle the respondents to go into evidence in support of the order, or if the Court should be of opinion that the fact of the said Peter Carter's having been bound apprentice to the said John Gregory, was admitted by the examinations and grounds of appeal, so as to render proof of the fact by the appellants unnecessary, then the said order was to be quashed; otherwise confirmed.

*Crompton*, in support of the order of Sessions.—What objection can be made to the respondents going into their case? A good birth settlement is shewn. Then it is said, that they are to be estopped by the subsequent statement of an apprenticeship in the examination. That, however, would be most unreasonable, as they are bound to send all—*The Queen v. the Inhabitants of Outwell* (1). It may be, that the respondent parish does not mean to rely on some of the facts stated by the witnesses. Then, secondly, the appellants cannot adopt a part of what is stated in the examinations, and avail themselves of it without proof. It is a fallacy to say, that it is an admission of or statement by the party to the appeal; and even if it were, an admission by the party would not dispense with the proof of a deed in the regular manner—*Cunliffe v. Sefton* (2), *Call v. Dunning* (3). In *Slatterie v. Pooley* (4), the admission of a party was received in evidence, although that admission was also contained in a written instrument; but it is settled law, that neither the execution

or validity of a deed can be established by a party's admission. The Justices may have relied on the birth settlement, for the very reason that they did not believe the attesting witness to the indenture, or because the indenture was void.

*Pashley*, contra.—The Court will compel a full statement of all the facts, in order to carry out the intention of the legislature; but these statements are of no use if the parties may depart from them at the trial; and all estoppels are mutual.

[COLERIDGE, J.—How can you narrow the appellants' proof by your grounds of appeal? According to your argument, the appellants might, by making out a case to admit to the other side, make a case for themselves. Suppose they had said, We deny your birth settlement, but admit your apprenticeship; then, when the respondents came to dispute the apprenticeship, could the appellants turn round and say, You cannot dispute that, for we have admitted it?]

In *The Queen v. the Inhabitants of St. John, Margate* (5), the appellants were precluded from disputing the signature of an indenture of apprenticeship, when they had in their notice disputed the validity only. Here the examinations themselves disclose a settlement in Warrington—*The King v. Ribchester* (6), and it would be very hard to put the appellants to prove the respondents' statements. In *The King v. St. Mary, Beverley* (7), the Court say, "To justify the confirmation of an order of removal, it ought to appear on the evidence adduced by the respondents, that the party is settled in the parish to which the removal is made." The same rule must now be taken to apply to examinations.

[COLERIDGE, J.—The respondent parish is bound to send all the examinations. They cannot help doing so. It is for the appellant parish to dispute or admit.]

The respondents, who send the examinations, are as much bound by them, as a party is by the contents of an affidavit, which he uses (8).

(1) 9 Ad. & El. 836; s. c. 8 Law J. Rep. (n.s.) M.C. 27; and see *The Queen v. Whitwick*, post, p. 25.

(2) 2 East, 187.

(3) 4 Ibid. 53.

(4) 6 Mea. & Wels. 664; s. c. 10 Law J. Rep. (n.s.) Exch. 8.

(5) 1 Q.B. Rep. 252.

(6) 2 Mau. & Selw. 135.

(7) 1 B. & Ad. 201; s. c. 9 Law J. Rep. (n.s.) M.C. 17.

(8) See *Brickell v. Hulse*, 7 Ad. & El. 454; s. c. 7 Law J. Rep. (n.s.) Q.B. 18.

LORD DENMAN, C.J.—I think there can be no doubt on the first point, that the respondents were entitled to go into their case. They are bound to give the whole of the facts proved before the Justices; and it is enough to shew that some one ground of settlement is good and requires an answer. Then secondly, as to the supposed admissions, I own I am not quite satisfied with what took place, as I think that the respondents should by some means or other, have informed the appellants that they did not mean to rely on the apprenticeship as a ground of removal, as it is likely that the other party may have been deceived. But though I should have liked the case better if they had so done, and it might have been, perhaps, accomplished by some communication between the attornies, yet I cannot say that in point of law, this was necessary. The act of parliament confines the evidence to be given at the sessions to the examinations and grounds of appeal. And I think that when the respondents have made out any settlement that appears in the examinations, that is sufficient. If the appellants rely on any other, stated in the examinations, they must take it as their own case, and prove it in the ordinary way. The order of Sessions must be confirmed.

WILLIAMS, J.—I think it is a perversion of terms to say that the examinations are in the nature of admissions. This Court has decided, that all the examinations must be sent, and the pauper's examination would of course be taken. If the party is not only to take the examinations, but also be bound by them, he would be estopped from setting up matter which he could prove, and called upon to prove that which he had no means of proving. As to the notice of appeal, you cannot take that to be in the nature of an admission by the respondent, and it can be none for the purpose of the cause; and as my Lord has said, the facts stated in it, be they what they may, must be proved in the ordinary way.

COLERIDGE, J.—I am entirely of the same opinion. The first question the Sessions ask, is whether the examinations are sufficient? The settlement first put forth is a birth settlement, and there is ample statement of a good birth settlement; but it is contended that the same examinations go on to disclose a good subsequent settlement by apprenticeship elsewhere. But what are

the respondents to do? are they to be precluded from going into their case because a witness goes on to state something in addition to his first statement? It may be that the apprenticeship is imperfect, and not to be relied on as a settlement, by reason of the indenture not being properly stamped, or on other grounds. As to the second point, I certainly entertain no doubt whatever. Of course it is to be assumed that all the provisions of the statute are to be taken to be carried out with perfect good faith; but what in point of law are the provisions of the legislature? The removing parish is bound to hear the whole of the examinations, but by so doing they cannot be said to admit anything hostile to their own order. Then the appellants send their notice: no doubt they may admit as much as they please, but they cannot compel the respondents to admit any fact of their own case, and limit the ground of contest to anything they like, by merely saying so. It would lead to great injustice if it were so held. They might in such case admit an indenture which they knew to be invalid, and save themselves from some proof which they knew they could not give.

WIGHTMAN, J.—It is too clear for argument that respondents are not shut out from the birth settlement; but then it is said that by sending a statement of something which appears to be a subsequent settlement, they have admitted it. But it is to be observed that this matter is not an averment of theirs, but all that can be said is, that having set up a birth settlement, they send an examination which contains other matter.

#### *Order of Sessions confirmed.*

*Pashley* then applied to have the rule for quashing the order of Sessions discharged, without any judgment of the Court as to the confirmation of the order.

LORD DENMAN, C.J.—The rule having been obtained to quash the order, the effect of the discharge of that rule must be to confirm the order; and this will carry out the provisions of the statute 5 Geo. 2. c. 19. s. 2. It is right that parties who bring up orders of Sessions, for the purpose of quashing them, should know that they do it at the peril of paying costs.

1844. } THE QUEEN v. THE INHABITANTS  
Jan. 20.\* } OF WHITWICK.

*Examination—Statement in, of Subsequent Settlement in a third Parish.*

*Where an order of removal is made from parish A. to parish B, upon examinations which shew evidence of a settlement in the latter parish, the Sessions cannot refuse to go into such evidence, on the ground that the examinations disclose a subsequent settlement in parish C.*

Upon an appeal against an order of two Justices, for the removal of Samuel Goacher, his wife, and children, from the parish of Whitwick, in the county of Leicester, to the parish of Shineton, in the county of Salop, the Sessions quashed the order, subject to the opinion of the Court, upon a case which set out the following, amongst other examinations.

Samuel Goacher, the pauper, (after stating a hiring at a colliery, in Coleorton, when he was ten years of age,) said, "I am forty-two years of age; about fifteen years ago I was in distress, and applied to Coleorton parish for relief, and the parish officers of Coleorton relieved me; but I have never been relieved by the parish of Coleorton, whilst residing out of the parish except about eight years ago, when I was living in Whitwick parish, my wife was suffering from a miscarriage, and I applied to Mr. T. Ager, the parish officer of Coleorton, for assistance. He gave me a paper to go to a doctor, who thereupon attended my wife; but I received no money, or anything else but the doctor's free attendance upon my wife."

Mary Wardle, widow, said, "I am the mother of Samuel Goacher, the pauper. I married my first husband, John Goacher, the father of the pauper, at Coleorton Church. About forty-three years ago the pauper was born at Coleorton. My first husband was legally settled in Shineton. When he lay ill, about twenty-six years ago, I received relief from Shineton parish, whilst we were living in Coleorton. I received 2s. 6d. weekly, but that not being enough for our support I went to Shineton, and saw a per-

son who said he was the parish officer. I asked him to give us more than 2s. 6d.; he refused to do so, but gave me 5s. to carry me home. I received this relief afterwards for a long time. My son, the pauper, was then a member of my family, and was not emancipated. He was about sixteen years of age."

The grounds of appeal (amongst others) were, secondly, that upon the facts stated in the examination of Samuel Goacher, the settlement of the paupers appears to be in Coleorton; thirdly, that as stated in the examination, the parish officers of Coleorton admitted the paupers to be settled in their parish, by employing a medical practitioner to attend the said Samuel Goacher's wife, during her illness, while she was residing in the parish of Whitwick.

On the hearing of the appeal, the counsel for the respondents proposed to call Mary Wardle, to prove the settlement of the paupers in Shineton.

The counsel for the appellants contended, that such evidence could not be received, on the ground, first, that the examination disclosed no settlement in Shineton; and that if such settlement were disclosed, still on the face of the examination a subsequent settlement appeared to have been gained by Samuel Goacher at Coleorton by service, and also by relief given to his wife, whilst residing in the parish of Whitwick.

The Court of Quarter Sessions rejected the evidence, on the ground that a subsequent settlement in Coleorton by relief was disclosed on the examinations, subject to the opinion of the Court as to whether they were right in quashing the order of removal on the above ground.

*Macaulay*, in support of the order of Sessions.—Here the examinations distinctly disclose a settlement in the third parish. The question is, whether, supposing all the facts proved, the pauper was rightly removed to Shineton.

*Hildgard* and *White*, contra, were not heard.

LORD DENMAN, C.J.—I think the Sessions were clearly wrong in this case. There was evidence of a settlement in the appellant parish, and they should have proceeded to hear it.

*Order of Sessions quashed.*

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\* Decided in Hilary term, 1844; and see *The Queen v. Latchford*, ante, M.C. 20.

BAIL COURT. }  
1844. } *Re* JOHN GRAY AND HUGH  
Nov. 12, 13. } BLANEY.

*Commitment—Statutes 6 Geo. 3. c. 25, and 4 Geo. 4. c. 34. s. 3.—Order—Conviction.*

*A warrant of commitment under 6 Geo. 3. c. 25, or 4 Geo. 4. c. 34. s. 3, which does not recite a separate conviction, is in effect a conviction, and must shew that on the hearing the evidence was given upon oath, in the presence of the defendant.*

*Therefore such a warrant, stating that the defendant was brought before the Justice, and the said Justice duly thereupon, then and there, in the presence as well of the said J. J. (the complainant) as of the said J. G. (the defendant), did examine and inquire into the proofs and allegations of the said parties, touching the said complaint, held bad.*

*Quære—Whether such a commitment is not in effect a conviction, and therefore ought to set out the evidence, and have the other requisite formalities of a conviction.*

John Gray and Hugh Blaney, being imprisoned in the house of correction at Salford, in the county of Lancaster, writs of *habeas corpus* had been obtained to bring them up, in order that they might be discharged. The gaoler, as to John Gray, returned the following commitment, under the hand and seal of the Hon. Colin Lindsay, as the ground of his detention:—

“County of Lancaster.—To the constables of Aspull, in the said county, and to the keeper of the house of correction at Salford, in the said county, and each of them.—Whereas, information and complaint having been made unto me, the Hon. Colin Lindsay, one of Her Majesty’s Justices of the Peace in and for the said county, and residing within the same county, by John Johnson, of Aspull, in the said county, coal-master, upon the oath of the said John Johnson, that John Gray, of Aspull, in the said county, collier, did contract with the said John Johnson to serve him, as a collier, at his works in Aspull, aforesaid, for the term of twelve months from the 21st day of September last, and did afterwards, to wit, on the 22nd of September last, enter into the said service; and

did afterwards, to wit, on the 2nd day of October, A.D. 1844, absent himself from his said service before the term of his said contract was completed, contrary to the form of the statute in that case made and provided. And whereas, in pursuance of the statute in that case made and provided, the said John Gray was, on this 11th day of October, at Wigan, in the said county, duly brought before me to answer the said complaint; and I, the said Justice, duly thereupon, then and there, in the presence as well of the said John Johnson as of the said John Gray, did examine and inquire into the proofs and allegations of the said parties touching the matter of the said complaint, and upon due consideration had thereof, I have adjudged and determined that the said John Gray did contract with the said John Johnson to serve him as a collier, for the said term of twelve months, and did afterwards, before the term of his said contract was completed, to wit, on the said 2nd day of October, in the year aforesaid, unlawfully absent himself from his said service, contrary to the form of the statute in that case made; and I do, therefore, convict him, the said John Gray, of the offence and misdemeanour aforesaid. These are, therefore, to command you, the said constables, forthwith to convey the said John Gray to the said house of correction, at Salford aforesaid, and to deliver him to the keeper thereof, together with this warrant; and you, the said keeper, to receive the said John Gray into your custody, in the house of correction, and him there safely to keep for the space of three months from the date hereof; and for your so doing this shall be your sufficient warrant. Given under my hand and seal, &c., in the year of our Lord 1844.”

The warrant of commitment in the case of Blaney was similar, with the exception that it stated an adjudication that he had entered into the service: he was not, however, brought up, it being agreed that his case should abide the result of Gray’s writ.

*Bodkin and Huddleston* now moved for the discharge of the prisoners, upon the ground that, in the first place, the warrant of commitment was, in fact, a conviction, *In re Tordoff* (1), and, therefore, was bad, inasmuch as it did not shew that the evi-

(1) 13 Law J. Rep. (N.S.) M.C. 145.

dence at the time of the conviction was given upon oath, in the presence of the defendants — *The King v. Crowther* (2), *Dalton*, c. 6. s. 6, *The Queen v. Lewis* (3), *Paley on Convictions*, p. 42.

PATTERSON, J. then called upon—

*Cowling*, to support the commitment.—*The Queen v. Lewis* is not law, and is the only authority which can be cited in support of the objection. *In re Tordoff* has no bearing upon it, the only question raised in that case being as to the necessity for shewing that the defendant was present at the time the case was heard, which, beyond all doubt, appears on this warrant. Then, the commitment of Gray is an order, and not a conviction under 6 Geo. 3. c. 25. s. 4, and not a proceeding under 4 Geo. 4. c. 84. s. 3, inasmuch as it is not stated that he had entered into the service. There is this distinction between a conviction and an order and adjudication like the present, that the former requires the evidence to be set out, and it will be most strictly construed; whereas, the same strict formalities are not required in the latter, and intendment will be made in favour of it.

[PATTERSON, J.—I do not regard mere terms in the least, for, whether this be an order or commitment, or conviction, I wish to know whether a Magistrate can order a man to be imprisoned for an offence, without shewing that he has heard the evidence on oath? I do not know whether the omission to set out the evidence has ever been objected to, but it would take a great deal to convince me, that where a statute gives a power to imprison, an instrument like this must not possess the requisites of a conviction.]

This statute is not of a public but private nature: its object was to make regulations between the workmen and their masters, and it was passed for purposes of private discipline; an order therefore is the more appropriate document. The best mode of ascertaining its real nature is to look to the statute itself, which, in sect. 5, speaks of it as an *order*. That an instrument like this may be treated as such, is clear from *The King v. Bissex* (4), which was an adjudication under the statute 11 Geo. 2. c. 19. s. 4, inflicting penal-

ties for fraudulently removing goods; yet that was held to be an order only, and the ruling was confirmed in *The King v. the Justices of Cheshire* (5). Lord Denman's judgment there is precisely in point. In *The King v. the Justices of Staffordshire* (6), it was held, under this very statute, that an instrument like the present was an order, and not a conviction; and that, consequently, the defendant was not entitled to appeal against it. In p. 576, Le Blanc, J. compares it to a proceeding under the Vagrant Act, 17 Geo. 2. c. 5, which is always by an order. The judgment, also, of Parke, B., in *Johnson v. Reid* (7), confirms that, and shews that there need be no conviction. Then, if it be an order, it is not necessary it should either set out the evidence, or state that the evidence was taken upon oath; for every intendment will be made in favour of it, and the statement that the evidence was taken, will be assumed to mean in the regular manner. Thus, in *Munger Hunger v. Warden* (8), an objection was taken to an order of removal (which must be made upon evidence taken on oath) that it was alleged to be made upon due examination, and not upon oath; yet the Court held it to be sufficient, and observed that due examination imported an examination on oath.

[PATTERSON, J.—That is a very different proceeding, being entirely *ex parte*; but here a party is to be deprived of his liberty, without the power of cross-examining the witnesses produced against him, under a statute of a highly penal character.]

If it were necessary to state this, it would also be necessary to set out the evidence; yet no case has ever decided that, and *In re Tordoff* gives no support to such a proposition. Neither, in truth, was it necessary to decide the point contended for in *The Queen v. Lewis*, for there the same objection existed as in *In re Tordoff*, and there were various other fatal objections apparent upon the face of the instrument. That case, therefore, was never fully argued, and cannot be treated as an authority. *The King v. Bissex* shews that every intendment will

(5) 5 B. & Ad. 439; s. c. 2 Law J. Rep. (n.s.) M.C. 95.

(6) 12 East, 572.

(7) 6 Mees. & Wels. 124; s. c. 9 Law J. Rep. (n.s.) M.C. 25.

(8) 2 Sess. Ca. 40; s. c. 2 Bott, P.L. 817.

(2) 1 Term Rep. 125.

(3) 13 Law J. Rep. (n.s.) M.C. 46.

(4) Sayer, 304.

be made in favour of an order, and none against it; and this is confirmed by *The King v. Davis* (9).

[PATTESON, J.—I do not at all go along with you in your argument. The distinction you make is very ingenious, but it is quite contrary to common sense, and my mind is not capable of understanding it. The statute enables Magistrates to hear and determine the complaint, and to inflict a very severe punishment upon persons; and I say, that this is clearly a judgment and commitment in one and the same document. Then, that is to all intents and purposes the same as a conviction. In *In re Tordoff* the defect was, that it did not appear that the evidence had been taken in the presence of the defendant—but here that appears to have been done: whether it must be stated to have been taken on oath, requires more consideration.]

*Bodkin* and *Huddleston* then urged, among other objections, that there was no statement that the defendant had entered under the agreement, or in pursuance of it: that the terms of the contract were not set out, so that the Court might see whether it was a case within the statute; and cited *Ex parte Johnson* (10), *Lancaster v. Greaves* (11), *Ex parte Fuller* (12), *Lowther v. Lord Radnor* (13), *Deybel's case* (14), and *Nash's case* (15). That the evidence was not set out—*In re Tordoff*, and that the commitment did not shew where the defendant contracted. With respect to the objection which had been argued, they observed that it was quite consistent with the statement in the commitment, that the Magistrate might have read over to himself the information, and then called on the party to answer it; that it did not appear that a single witness had been sworn, and the whole proceeding might have been without the sanction of an oath; that where such penal consequences were to be the result, the Court would make no intendment against liberty; and even if this were not strictly a conviction, but a

species of order, still it was an order of commitment in the nature of a conviction, which required greater particularity.

*Cowling*, in answer to the other objections, quoted *Ex parte Ormerod* (16), *Com. Dig.* tit. 'Pleader,' c. 18, and *Bancks v. Camp* (17).

PATTESON, J.—I was desirous of hearing the argument out, upon all the objections, because one or two of them struck me; but Mr. Cowling has satisfied me upon them, to this extent, that I do not think that any of them, independently of the principal objection first argued, are such as I should deem proper to act upon. I therefore express no decided opinion upon any of them, for the real question seems to depend upon the principal objection. Now, looking at these two convictions or commitments, the one relating to Blaney, the other to Gray, I confess I cannot bring my mind to believe that the Magistrate was proceeding upon the 6 Geo. 3. c. 25, in the latter case. It may be so; but I am not satisfied that it was so, because I find in the first of these convictions, he distinctly states that there was a complaint made that Blaney had contracted, and had entered upon the service, and that he absented himself from the service; and he goes on and adjudicates that he had so contracted, and had so entered the service, and that he had absented himself. In the second of these convictions, precisely the same complaint, that Gray had contracted, and had entered the service, and had absented himself, is stated; but the adjudication is only that he had contracted and had absented himself. I have no doubt the entering into the service was accidentally omitted by the clerk to the Magistrate; and now it suits the purpose to say the commitment was upon the earlier act. I do not, however, think it signifies at all, and I only mention it, because it is not quite right, or honest, or proper, to attempt to fall back on the 6 Geo. 3. c. 25, and make me believe it was purposely omitted. Let us have fair dealing in these matters, if we can, though it is not very often the case that we have it. But the real question seems to me to turn upon this, whether or not it was necessary

(9) 5 B. & Ad. 551; s.c. 3 Law J. Rep. (N.S.) M.C. 29.

(10) 7 Dowl. P.C. 702; s.c. 9 Law J. Rep. (N.S.) M.C. 27.

(11) 9 B. & C. 628; s.c. 7 Law J. Rep. M.C. 116.

(12) 13 Law J. Rep. (N.S.) M.C. 141.

(13) 8 East, 113.

(14) 4 B. & Ald. 243.

(15) Ibid. 295.

(16) 13 Law J. Rep. (N.S.) M.C. 73.

(17) 9 Bing. 604.

that it should appear upon the conviction, that the examination of the witnesses before the Magistrate was upon oath. Now, looking at the two cases, *The Queen v. Lewis*, and *In re Tordoff*, they go the whole length of shewing that this is bad upon the face of it. I myself cannot understand, that, because an act of parliament is drawn, as, I am sorry to say, most of them are, imperfectly and loosely, and it is not stated, as it ought to have been, that the party might be brought before a Magistrate, and convicted by him, and that he should sentence him upon that conviction; that, because the act of parliament puts it altogether, and says, in general words, he may do this, therefore I am to be told it is not a conviction, but an order. That is not the right way of construing an act of parliament. If an act of parliament says an offence shall be committed by certain acts, and a Magistrate shall have power to commit and punish for that offence, then I say, that any instrument by which the Magistrate says the party was brought before him and convicted, is a conviction. I must confess I am at a loss to understand why the Magistrate, in this document, after saying, I find the man guilty, and do convict him of the offence, stops there, and does not go on, and say, I do adjudge that for such offence he shall suffer such and such punishment. That is the usual way; but instead of that, he says, I hereby direct the gaoler to keep him for a certain time; so that the adjudication of the punishment does not run in the form of an adjudication, but is merely a direction to the gaoler to keep him for a particular time. Whether that is done with a view of trying to make it an order, and not a conviction, I do not know, but it cannot have such an effect. I am not yet driven to determine the point whether it is necessary to set out the evidence; and I am unwilling to go further than the case renders it absolutely necessary: that is a point which will be raised some of these days, and perhaps it is fitting it should be; but, sitting here alone, I ought not to express an opinion upon it where the case does not require it. I think it does not arise here; for let us see what it is the Magistrate states. The commitment recites that complaint was made upon oath, that the party was brought before him to answer that complaint; and then he says, "and I,

the said Justice, duly thereupon, in the presence as well of the said John Johnson as of the said John Gray, did examine and inquire into the proofs and allegations of the said parties touching the matter of the said complaints." Am I to infer that there were witnesses called and examined upon oath, in the presence of the party, or not? If I am, I must infer it from the word "proofs," for the word "allegations" may mean an allegation in writing, or by word of mouth, or an argument of law, or an assertion of fact; it is a very vague and uncertain word. If the word "proofs" means legal proof upon oath, then there is something in it; but I cannot infer that clearly, as it may be that the Magistrate may have thought it sufficient if he read over the complaint to the party, and did not examine the witness again; and it may be that the person who made the complaint would not be able to prove the facts. It ought to have appeared upon the face of the document that there had been witnesses examined upon oath, in the presence of the party; and the conviction is therefore bad. The objection in *In re Tordoff* was, that it did not appear that the examination was in the presence of the party. In *The Queen v. Lewis*, although the same objection might have been taken, the objection was, that the examination did not appear to have been on oath; here the parties have avoided the defect which was fatal in the first case, and stumbled on the defect in the last. Taking those cases together, I think I must consider the law to be, that, in convictions under this act of parliament, where there is a conviction and commitment in one document, it is necessary it should appear that the examination took place in the presence of the party; and that the examination was upon oath. I think, therefore, the party is entitled to be discharged; and as the same objection applies to both these convictions, I need not give any opinion as to whether the other objections can or cannot be supported. I have taken the opportunity since yesterday of mentioning the case to the other Judges, and they quite agree with me. I say this, in order that the matter may be considered to have been decided.

*Prisoners discharged.*



BAIL COURT. }  
 1844. } *In re NESBITT.*  
 Nov. 13. }

*Warrant of Apprehension—Jurisdiction—  
 Ireland—Riot—Rescue.*

*A warrant of the Court of Quarter Sessions for Tipperary, dated the 20th day of October 1804, stated, that A. B. stood indicted, in the peace office of that county, for a rescue and a riot, and commanded the police of that county to apprehend, "and him so apprehended in safe custody keep, so that you may have his body before her Majesty's Justices of the Peace at the next Sessions, at &c., to be held in the said county on the 13th of January next:"—Held, that it did not disclose jurisdiction, as the words "peace office" did not shew in what court the indictment was pending.—Held, also, that it was bad, as the Sessions had no power to authorize the police to keep the defendant in their custody till the next sessions.*

*Held also, that the Court would take judicial notice that the common law of England extended to Ireland, and that "a riot" was a sufficient statement of an offence: but semble that "a rescue" alone would not be sufficient.*

The Rev. J. M. Nesbitt having been arrested by the police of the city of London, a writ of *habeas corpus* had been obtained, upon which he was now brought up, and to which the sergeant of police returned that he detained him under the following warrant:—

"County of Tipperary, to wit.—By the worshipful the Justices of the Peace at the General Quarter Sessions of the Peace, held at Thurles, in and for the county of Tipperary, the 28th day of October 1844. Whereas James Meade Nesbitt, late of Borrisokane, in the county of Tipperary, stands indicted in the peace office of the county of Tipperary, for a rescue at the prosecution of Martin Corbon and John Morgan, and also for a riot, for which he has not as yet received his trial. These are, therefore, in her Majesty's name, strictly to charge and command the police of the county of Tipperary forthwith to apprehend the said James Meade Nesbitt, if he may be found in the said county of Tipperary, and him so apprehended in safe custody keep, so that you may have his body before her Majesty's

Justices of the Peace at the next Sessions of Nenagh, to be held in said county, on the 13th day of January next, to answer for the said offence; and this shall be your warrant. Dated as above.

"John Ponsonby Pretty, clerk of the peace.

"To the police of the county of Tipperary."

This was indorsed "To all constables of the Metropolitan Police Office, and all others whom it may concern.—Metropolitan Police district, to wit.—Let this warrant be executed within the said district, proof, upon oath, having been made before me, one of the Magistrates of the Police Office, Bow Street, of the due signature and hand-writing of the above-named John Ponsonby Pretty. Given under my hand, at the Police Court, Bow Street, this 8th day of November 1844.

"D. Jardine."

*Humfrey, Bodkin, and Sturgeon*, on behalf of the prisoner, stated and urged the following objections to this warrant and indorsement. First, that the clerk of the peace for a county has no power to issue a warrant of apprehension; secondly, that the statute 44 Geo. 3. c. 92. s. 3, was intended to reach only those persons who escaped from some place in Ireland to England, and that it did not appear that the defendant was such a person; thirdly, that it did not appear that either of the offences committed was an offence against the law of Ireland; fourthly, that the Court could not put any construction upon the words "peace office," and that it did not shew that the defendant stood indicted in any court within the jurisdiction of the Sessions; fifthly, that the warrant ought to have stated that the defendant had not appeared and been admitted to bail, it being consistent with the warrant that he might be exempt from liability to apprehension at the time, on the ground of having found bail; sixthly, that the indorsement was made under the statute 24 Geo. 2. c. 55, which did not relate to offences committed in Ireland.

*Dowdeswell*, in support of the return.—This is not the warrant of the clerk of the peace, but the warrant of the Court of Quarter Sessions, of which that person is the officer, and merely certifies their act. The Court of Quarter Sessions is an ancient

court of record, and the right to issue process necessary for the conduct of matters depending in it is incident to, and implied by the establishment of every such court, and hence the Sessions have authority to issue warrants to bring before them persons against whom indictments have been placed upon their records. These courts in Ireland differ in no respect as to jurisdiction from the same courts in England; the form of the commission to the Magistrates is the same; the time of holding them is prescribed by 1 & 2 Will. 4. c. 31; and their power to issue process, and to deal with misdemeanours like the present, is recognized by 5 & 6 Will. 4. c. 48. The clerk of the peace is the person who is to record their acts, and the proper organ to express their will. This brings the argument to the fourth objection, that the term "peace office" is not known to the law; but no one can doubt to what office that has reference—it evidently means the office of the clerk of the peace. It may not be the most accurate technical description, but it is perfectly intelligible, and that will suffice. The office of the clerk of the peace is well known; he is directed to be appointed by the Custos Rotulorum to keep the records of the sessions under 1 Geo. 4. c. 27, and he is thereby made their officer. His powers are pointed out and recognized in numerous subsequent statutes, which are collected in *Oulton's Index*. His office would therefore be the place of deposit for an indictment found at the Sessions; and it is doing no violence to the language to say, that as the word "indicted" imports the presentment of a grand jury, the expression "stands indicted in the peace office," means that an indictment against the party was lying in the office of the clerk of the peace. Then, as to the third objection, the term "riot" is a term and an offence known to the law, and is defined by *Hawkins*, book 1, c. 65. In a warrant of apprehension, which is mere process, strict technicality is never required, and it might be contended, that the term "rescue" would be sufficient. The form of warrants, in *Wilkes's case* (1), and *The King v. Wyndham* (2), was equally general with this, yet was held to be good; and it is laid down in 1 *Hale*

*P.C.* 583, 2 *Hale*, 123, *Hawkins*, bk. 1. c. 19. s. 24, *Hawkins*, bk. 2. c. 13, 2 *Co. Inst.* 52, that a warrant need not describe the offence with any technical nicety. *The King v. Kendal* (3) and *Crofton's case* (4) are instances of this nature. In *The King v. Judd* (5), "wilfully and maliciously setting fire to a parcel of unthreshed wheat" was considered enough to justify the Court in requiring the defendant to find bail. As to the suggestion that a riot is not an offence against the law of Ireland, the Court will not assume such an act not to be illegal in any civilized country; but even if it would, it cannot do so here, for the Court will take judicial notice of the law of Ireland in this respect. It is laid down in *Co. Litt.* 141, that the common law of England was introduced into Ireland by King John, and in 2 *Co. Inst.* p. 2, that, "by Poyning's laws, made anno 11 Hen. 7, all the laws and statutes of this realm were made to extend to Ireland." Then a riot was an offence against the common law of England, and consequently now is an offence against the law of Ireland. It was not necessary for the warrant to state that the defendant had not appeared and been bailed; as those facts would form a good cause to be shewn by him for his discharge, the Court will not assume them to have occurred. In the ordinary process of the superior courts, there are various matters which would entitle a party to his discharge, none of which are negatived in the writ. *Prima facie*, a person against whom such a charge as this is subsisting is liable to be arrested, and it is unnecessary for the Magistrate, issuing the warrant, to negative all possible means by which he may be lawfully at large. Those circumstances lie in the knowledge of the accused, and he must advance them. It never can be contended, that the warrant need negative that the defendant has been pardoned, or that he has been tried before for the same offence. The indorsement is also perfectly regular under the statutes 44 Geo. 3. c. 92, 45 Geo. 3. c. 92, 54 Geo. 3. c. 186, and 13 Geo. 3. c. 31. The first of those statutes, in the 3rd section, although in the recital it refers only to malefactors making their escape from Ireland into England, yet in

(1) 2 Wils. 151.

(2) 1 Stra. 2.

(3) 1 Salk. 347.

(4) 1 Sid. 439.

(5) 2 Term Rep. 255.

the enacting part declares, that if any person, against whom a warrant shall have issued, shall "escape, go into, reside, or be" in any part of England, he shall be liable to be arrested under it when indorsed by a Magistrate in England. The enacting part is therefore larger than the recital; it includes every case; and certainly the present. By that statute no formal proof of the execution of, or signature to the warrant was necessary, and this appears to have been considered an objection, for in the next session 45 Geo. 3. c. 92. was passed, which by section 6. required that the person indorsing should not act until the seal, signet, and signature of the Court, Judge, or Justice, who issued the warrant, were proved upon oath. The necessity for this proof, however, seems soon to have been found inconvenient, and that section is expressly repealed by 54 Geo. 3. c. 186. s. 1; and by sect. 2. it is enacted, that all warrants issued in Ireland shall be acted upon in the same manner as warrants under 13 Geo. 3. c. 31, which related to the execution in England, of warrants made in Scotland, and *vice versa*. By that statute no formal proof is required, and the Magistrate, therefore, in the present instance, might satisfy himself in any way he pleased; and he acted judiciously in requiring and acting upon the proof mentioned in 24 Geo. 2. c. 55, if it could be afforded him. The circumstance of his having pursued the forms of that act will not vitiate his indorsement, the allegation as to proof being mere surplusage. By the statute 2 & 3 Vict. c. 71. s. 1, the Magistrates of the Metropolitan Police Courts are declared to be Justices of the Peace for Middlesex, and several other counties; and by the London Police Act, 2 & 3 Vict. c. 94. s. 23, their warrants may be executed in London without indorsement.

*Humfrey*, in reply.—The indorsement is altogether informal and improper, for there is no statement contained in it of any proof of the authority of the person whose name it bears to issue it, and this ought to be shewn to have been established by legal evidence before the Magistrate. It could not have been the intention of the legislature, that Magistrates should back warrants without some legal evidence before them, that the person professing to grant them had legal authority; but, at all events, it ought to be shewn affirmatively and expressly, that he

was satisfied the defendant was a malefactor who had escaped from Ireland, of which there is not a particle of evidence. In the absence of any legislative declaration as to the proof of these facts, and the means by which they are to be established, the Court will imply that legal evidence of them should be adduced.

[*PATTESON, J.*—The warrant directs the police of the county of Tipperary forthwith to apprehend the defendant, and him so apprehended in safe custody to keep until the next session, on the 13th of January. What right could they have to keep him? They have no prison. What authority is there for saying that the police could exercise such a power? The usual form of our warrants directs the officer to take the person before a Magistrate in order that he may be bailed; but this could not be done under a warrant like this.]

Under this warrant he must, at all events, be detained till the next sessions, and could have no relief in the interval, and it is like the warrant in *Doswell v. Impey* (6), where a commitment under the Bankruptcy Act until dealt with in due course of law, or until the party should submit himself to the major part of the commissioners, was held bad.

*Dowdeswell* suggested, that upon the apprehension of an offender, it was the duty of the officer to carry him to the county prison, there to be confined until the time appointed for the hearing, and then to carry him before the Justices, and this was the custody meant by the warrant—*Hawk. b. 2. s. 9*; that the right of the party to be bailed need not be mentioned in a warrant, any more than in the body of civil process, it being an implied exception, and that, at all events, a mere inapt conclusion would not vitiate a warrant of apprehension—1 *Hale*, 595, 609.

*PATTESON, J.*—I certainly am bound to take judicial notice that the common law of England prevails in Ireland. Then this warrant further states that the party stands indicted for a rescue and a riot. With respect to the first, I cannot say that it is an offence, since it may be for the rescue of any criminal whatever; a riot, however, is more specific, and as that was an offence at common law, I think I must take it to be

(6) 1 B. & C. 163; s.c. 1 Law J. Rep. K.B. 99.

an offence against the law of Ireland. In that respect, therefore, the warrant may be right, but there are two objections to the warrant, which, it appears to me, must prevail in this country. The first is, that it states that the defendant stands indicted in the peace office for the county of Tipperary. The term "peace office" has no distinct and certain meaning; I am unable to say what it is, and I cannot therefore see that the indictment has been preferred so as to bring the case within the jurisdiction of the Quarter Sessions. It is altogether a most extraordinary document, and unlike anything I have ever seen. If a warrant in this country issues for the apprehension of persons against whom indictments have been found, they are under the seal of the Court, and state that the defendants have not yet appeared or pleaded; and this is reasonable, for the warrant ought not to issue if he were out on bail; but here there is nothing to shew in what court he is indicted, or that he has not appeared and been bailed, and upon that ground has a perfect right to be at liberty. The last defect, however, is quite fatal. It directs the whole body of the police of Tipperary to apprehend the defendant, and keep him in custody, "so that you may have his body before Her Majesty's Justices of the Peace, at the next sessions, to be held on the 13th of January." This is a proceeding quite contrary to law. No Magistrate can give such a power to the police, for they have no prison, and he cannot create a custody wholly unknown to the law. The sheriff is the person who ought to have the custody of offenders, and they must be either placed in his custody, or they must be let out on bail. This, therefore, is a custody which the law does not authorize, and being illegal the prisoner must be discharged.

*Prisoner discharged.*

BAIL COURT. }  
1844. } THE QUEEN v. THE RECORDER  
Nov. 20. } OF BOLTON.

*Master and Servant—Statute 17 Geo. 3. c. 56—Appeal—Costs—Estreating Recognizances.*

*Under statute 17 Geo. 3. c. 56, ss. 8. & 20. the Court of Quarter Sessions has no power*

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*to enter and hear an appeal at the instance of the respondent, although the party convicted may have given notice of appeal, and entered into a recognizance, upon failure of the appellant to appear; nor has the Court any power to give costs to the respondents upon failure by the party convicted to enter and try. The only remedy for those costs is by estreating the recognizances.*

*Semble—where the defendant has not been imprisoned before an appeal under that statute, upon his failing to support the appeal, the convicting Justices may commit him to gaol to undergo his punishment.*

A rule nisi had been obtained, calling upon the Recorder of Bolton to shew cause why a mandamus should not issue, requiring him to enter continuances, and hear and determine an appeal against the conviction of one William Barlow, under the statute 17 Geo. 3. c. 56. s. 8, or to affirm the said conviction, or to award such costs to be paid by the said William Barlow, as may appear to be reasonable.

It appeared upon the affidavit, that W. Barlow having been convicted and sentenced to one month's imprisonment under that statute, on the 15th of July, entered into a recognizance and gave notice of appeal on the same day, and consequently was discharged at once. On the 22nd of October he gave notice of abandonment, and the Sessions were held on the 24th. By the practice of the Sessions three clear days' notice of abandonment ought to be given. The defendant did not appear, in the first instance, at the Sessions, whereupon a motion was made on behalf of the prosecutor, to enter the appeal and confirm the conviction, and obtain the costs. This application was opposed on behalf of Barlow, the defendant, and the Recorder thought he had no power to grant it, and therefore refused it.

Against this rule, on behalf of the Recorder,

*Baines* shewed cause.—The statute 17 Geo. 3. c. 56. s. 20. declares, "that if any person shall think himself or herself aggrieved by the order or judgment of any two Justices before whom he or she shall be convicted of any offence under that act, such person may appeal, and the Justices

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are to make known to him or her, *his or her* right to appeal to the next Quarter Sessions, such person, at the time of such conviction, giving to such Justices notice in writing of his or her intention to appeal, and also entering into a recognizance with sufficient sureties to try the appeal, and to abide the judgment of and pay such costs as shall be awarded by the Justices at such Sessions; and the Justices at such Sessions are required, upon due proof made of such notice of appeal, either by the acknowledgment of the Justices, to whom the same shall have been given, or otherwise, to hear and determine the matter of the appeal, and to award such costs as to them shall appear just and reasonable, to be paid by either party." The language of this clause in no material respect differs from that contained in the statute 17 Geo. 2. c. 38. s. 4, giving an appeal against a poor-rate, and is the same as is used in that which formerly regulated appeals in bastardy, 49 Geo. 3. c. 68. s. 5, and many other statutes. The right thus conferred is the right of the appellant alone, and it is not competent for the respondent to enter the appeal, though it be only for the purpose of getting costs. This was held in the case of *The King v. the Justices of Essex* (1), under the 17 Geo. 2. c. 38; and the subsequent cases, *The Queen v. the Justices of the West Riding* (2) and *The Queen v. the Inhabitants of Stoke Bliss* (3), establish the principle fully. Neither is it necessary for the sake of justice that the respondents should have the power in a case like the present, for he may obtain the costs he has been put to by estreating the recognizance. If the Sessions could entertain the appeal at the instance of the respondent, the recognizance would be unnecessary. The proper motion in this instance was to estreat the recognizance, the default being a matter which happened before the Sessions — *Haines v. Hayton* (4), *The Queen v. the Justices of the West Riding* (5). The power of giving costs is merely ancillary to the hearing of the appeal; and before

the Sessions can give them, they must hear and determine. It is not an independent provision, but in order to justify an adjudication with respect to them, the appeal must have been properly entered. With respect to cases of removal, the statute 8 & 9 Will. 3. c. 90. s. 3. provided a remedy, but that enactment would have been superfluous, if the respondent could have given the Court power over the appeal. The difficulty, however, which has been felt in the present case, arises from the decision in *The King v. Twyford* (6). The marginal note of that case is this:—"Under the statute 17 Geo. 3. c. 56. ss. 1, 2, 20, 22, two Justices may convict and sentence to imprisonment and hard labour; and the party convicted may appeal to the Sessions, giving notice to the Justices at the time of conviction, and at the same time entering into recognizance, with sufficient sureties to try the appeal, and abide the judgment of Sessions; but if he do not at such time enter into such recognizance, the convicting Justices are to commit him till the Sessions, unless such recognizance be sooner entered into, and are to transmit the conviction to the Sessions; and the Sessions, on proof of notice of appeal, and on receiving the conviction, are to hear the appeal: and if the conviction be affirmed, the party is to suffer the punishment originally adjudged, the time of imprisonment, if inflicted, being computed from the time of affirmance, unless the party has been imprisoned under the original conviction, in which case the time for which he has been so confined is to be included in the order of confirmation. A party convicted by two Justices, and sentenced to eleven weeks' imprisonment and hard labour, gave notice of appeal, and was committed for not entering into the recognizance. By the practice of Sessions, the appeal was to be entered, and the order for hearing it obtained, by the party disputing the conviction. The party not having entered the appeal, the Sessions discharged him. Semble, that the convicting Magistrate had no longer power to commit, in execution of the conviction. But held, that at any rate no mandamus should be granted to compel them to do so." It is

(1) 8 Term Rep. 583.

(2) 12 Law J. Rep. (n.s.) M.C. 148.

(3) 13 Ibid. 151.

(4) 7 B. & C. 293; s.c. 6 Law J. Rep. K.B. 231.

(5) 7 Ad. & El. 583; s.c. 7 Law J. Rep. (n.s.) M.C. 9.

(6) 5 Ad. & El. 430.

therefore said, that according to this case the defendant by giving his notice of appeal would escape scot free, inasmuch as if the Sessions have no power to entertain the appeal, they would have no power to inflict the residue of the sentence, and this cannot be done by the original Magistrates. But really that argument is unfounded; the case of *The King v. Twyford* was extremely peculiar. The statute provides, that the defendant may appeal by giving notice; he is then to enter into recognizance, and if he cannot to do so he is to be imprisoned; and if, at the hearing of the appeal the conviction is affirmed, the period of imprisonment he has endured is to be taken as part endurance of the sentence. There, the defendant had not been able to find sureties, and had been consequently imprisoned; a portion of the punishment had been suffered, and Littledale, J. observes, "If the convicting Magistrates were now to issue their warrant to imprison for eleven weeks, it might turn out that half the imprisonment originally adjudged had been already suffered;" and in an earlier part, "Then have the convicting Justices power so to act upon their conviction? They have not, unless what has passed since the conviction amount to nothing." This is a clear indication of his opinion, that if nothing had been done the power of the original Justices would have continued, and that is the case in the present instance; no appeal has been entered, and the Magistrates may issue their warrants. It is precisely the same thing as if there had been no notice. But, after all, it does not appear, even from *The King v. Twyford*, that the Magistrates had no power to enforce the original judgment; all the Court said was, that it was too doubtful a matter to compel them by mandamus to proceed. The case is not within 6 & 7 Vict. c. 40. s. 29, as the punishment being imprisonment for a month simply, a lunar month was intended; and that section applies only to cases where the imprisonment is for a calendar month at least.

[PATTESON, J.—I think I must assume it was not a case within that act, the Magistrates having taken a recognizance, and permitted the appeal.]

*Cowling*, in support of the rule.—The prosecutor is in this dilemma—if he goes to the

original Justices they refer him to *The King v. Twyford*, and say they have no jurisdiction; and when he goes to the Sessions he is told that the defendant having abstained from entering the appeal they cannot enforce the punishment; and so between the two the delinquent escapes altogether. But really, upon reference to the statute, it was the duty of the Recorder to allow the entry of the appeal, and to adjudicate upon it. The 20th section is not the only one which bears upon the question, for the 22nd proceeds to declare that the conviction shall be returned to the Sessions, and in case the person or persons so convicted shall appeal from the judgment of the said Justices to the said General or General Quarter Sessions, the Justices in such General or General Quarter Sessions are hereby required, upon receiving the said conviction drawn up in the form aforesaid, to proceed to the hearing and determination of the matter of the said appeal, according to the direction of the said act. The statute there referred to is the 22 Geo. 2. c. 27, and by the 6th section of that statute express power is given to award costs if the appellant does not prosecute his appeal. The meaning clearly is, that the Sessions may proceed, upon the default of the defendant, and hear and determine the case. The Sessions alone have power to carry the sentence into effect, and this is shewn by *The King v. Twyford*, where the Judges express their opinion that as soon as the recognizance is entered into the convicting Justices are *functi officio*. The estreating of the recognizance is not an effectual remedy; it does not *ipso facto* subject the party to the punishment awarded to him.

[PATTESON, J.—If it was the intention of the legislature that the appeal should be entered by the prosecutor, the provision respecting the recognizance would be superfluous.]

It is submitted, that such is not the case, because the object of the recognizance is to obtain security for the costs, which the prosecutor would otherwise have no means of obtaining. Upon the return of the conviction to the Sessions, the jurisdiction of the original Magistrates ceases, just as the power of this Court ceases after removal of a case by writ of error.

[PATTESON, J.—Suppose a man here

enters into a recognizance, we do not go on and try, but we estreat.]

That is so, because there is no power to the Court, as in the present case. At all events, the application as to granting costs ought not to have been refused. The 6th section of 22 Geo. 2. c. 27. is incorporated by reference into the 22nd section of the 17 Geo. 3. c. 56, and the words of that section are quite as large, and sufficient to authorize the Court in granting costs, as the language of the statute 8 & 9 Will. 3. c. 30. s. 3; and it was decided in that case, and stated by the Court, that the Sessions would have been warranted under that statute in giving costs.

*Baines* suggested, that section 6. only related to appeals against the sale or disposal of the goods, and not to an appeal upon a recognizance, which was provided for by the 3rd section, and that the latter was the section which was referred to in the 22nd section of the latter statute.

*Cur. adv. vult.*

PATTESON, J.—This was an application for a mandamus to the Recorder of Bolton, requiring him to hear the subject-matter of an appeal, or at all events to give the costs of an appeal to the respondents: it arose out of a conviction under 17 Geo. 3. c. 56, and there certainly is considerable difficulty in the case. The party was convicted by two Magistrates; and he entered into a recognizance, under the terms of the act of parliament, which says, he may appeal to the Quarter Sessions, giving to the Justices notice in writing, at the time of the conviction, of his intention to appeal, and also entering into a recognizance with sufficient sureties to try such appeal, and to abide the judgment of, and pay such costs as shall be awarded by, the Sessions. That he did, and accordingly, he was not imprisoned under the succeeding portion of the section, which says, that, if he does not enter into a recognizance with sufficient sureties, he shall be sent to prison. Upon that part of the act the case of *The King v. Twyford* was decided; but the circumstances are not the same as in the present case, as there the party was in custody. The act of parliament then proceeds, "and the Justices, at such Sessions, are hereby authorized and required, upon

due proof made of such notice of appeal, (which, I suppose, means the notice, at the time the commitment took place,) either by the acknowledgment of the Justices, to whom the same shall have been given, or otherwise, to hear and determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party." Now the party here giving the recognizance, countermanded the notice of appeal before the Sessions arrived; he did not enter the appeal. Then, it is said, that, under the particular words of this act of parliament, the Magistrates, who convicted, had the right to enter that appeal for the appellant, and call upon the Recorder to hear the subject-matter of the appeal, and determine upon it. We have already said, in one or two cases, that we know of no instance in which a respondent has a right to enter an appeal. The liberty and power given by the act of parliament to appeal is certainly given not to the respondent, but to the appellant: and we have said, there is no remedy if the party does not appeal. That is the general rule, and I do not think Mr. Cowling controverted it as a general rule; but he says, that the words of this act of parliament authorize the Sessions to entertain it, though no appeal is entered by the appellant; and that argument he founds upon the words, "are hereby authorized and required, upon due proof of notice of appeal, &c., to hear and determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party." These same words, which are to be found in other acts of parliament, are not found in the 17 Geo. 2; the words there are different; but I think the very same words are to be found in the 49 Geo. 3. c. 58. s. 5; and I have looked into other acts of parliament, and they are to be found there; and therefore, if I were to hold that these words in the present case authorized the Sessions to hear and determine the matter of the said appeal, without its being entered by the appellant, that meaning would attach to them in a great variety of statutes. No other decisions, than those cited, have been come to upon this subject by the Courts that I am aware of; but it seems to me

impossible to contend that the act of parliament meant, that, where the party who gave notice of the appeal did not enter it, the Sessions, nevertheless, should have jurisdiction to hear and determine it. What is meant by the words, upon due proof made of such notice of appeal, is a condition thrown upon the appellant that he is to satisfy the Sessions of such notice having been given before they can enter upon it; but a prior step must be taken to enter it, and make it matter cognizable by them. I think, therefore, it is not possible to construe the act of parliament in any other way than to say, that where notice of appeal is given, and the appeal is entered, then they may enter into it, but not otherwise. This appeal, however, has not been entered at all; and I am clear that the Recorder had no authority to hear the subject-matter of it. Then, it is said, an inconvenience might result, if he had not such power, because it is difficult to see what is to be done with the party. There is the remedy of estreating the recognizance, and making the parties, who have entered into the security, pay the penalty; but that may be an insufficient remedy. There is that remedy, however. But, it is said, that it is not clear that the original conviction can then be proceeded upon by the Magistrates. For my own part, I think, when there has been a recognizance and notice of appeal, and a party to it has suffered no imprisonment, I should entertain no doubt that the not entering of the appeal, according to the recognizance, came to the same thing as if there had been no notice of appeal at all, and no recognizance had been entered into; in which case, although the party was not committed immediately by the Magistrates upon conviction, I have no doubt they might issue a warrant and imprison him. I entertain no doubt, the Magistrates might do so now. The difficulty in *The King v. Twyford* does not arise here, because there the party was in custody under a warrant, and the difficulty arose upon the extraordinary provision in the act of parliament. The Court did not say the Magistrates might not issue their warrant, but, as it was doubtful, they would not put the Magistrates in jeopardy. It does not follow thence that the Magistrates

might not have done it even then, but where the party had suffered no imprisonment, it appears to me, they may do it. Still, whether they can or cannot, it is clear the Recorder has no power. Then, Mr. Cowling contends, he is entitled to have a mandamus to the Recorder, for him to give the parties such costs as they ought to have, because, he says, this very act of the 17 Geo. 3. directs the Sessions to award such costs as to them should appear just and reasonable to be paid by either party. But so far as that act of parliament goes, it is clear these costs are ancillary always to the hearing of the appeal. It is clear, no express authority is given to award the costs to the party on whom the notice of appeal was served, where the appeal was not followed up. Mr. Cowling, in moving for this rule, referred to the 8 & 9 Will. 3. c. 30, which does give authority in express terms, though no appeal is entered; but I do not suppose he meant to say that it applied to this case, as it relates only to cases of removal. There was a case cited of *The Queen v. Stoke Bliss*, which was decided upon it, where the Court held, even in the case of settlements, although the Sessions had the power to have given the costs, under 8 & 9 Will. 3, yet, inasmuch as they had taken upon themselves to determine the appeal, which they had no right to do, because it was not entered, and had given costs by the very words of their order, confirming the order of Justices, they had exceeded their jurisdiction, and quashed the order. I only mention it that there may be no misunderstanding as to the extent of that case, but it does not apply to the present. It seems to me to be clear that the Recorder acted perfectly right; that the mandamus ought not to go for the sake of a return, because, when the point is clear, such expense ought not to be incurred. The Recorder very properly determined that he had no authority either to hear the appeal or give costs. The rule, therefore, must be discharged, and the Recorder is entitled to have his costs.

*Rule discharged, with costs.*

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1845. } THE QUEEN v. THE INHABITANTS OF HEANOR.  
Jan. 14. }

*Highway, Indictment for Non-repair of—Power of Judge to award Costs to Prosecutor under 5 & 6 Will. 4. c. 50. s. 95.*

*The provision in the 5 & 6 Will. 4. c. 50. s. 95, as to the Judge's certificate for the costs of the prosecution of an indictment for the non-repair of a highway, only extends to cases where the liability to repair is disputed; and, therefore, where on an indictment for the non-repair of a public carriage-way, the defendants were acquitted, on the ground that the way was not a public highway for carriages, and the Judge certified for the costs of the prosecution,—Held, that he had no jurisdiction to make this certificate, and this Court set it aside.*

*Whitehurst*, in Trinity term, had obtained a rule calling on the prosecutor to shew cause why the certificate for costs in this prosecution, granted by the Lord Chief Justice of the Court of Common Pleas, should not be set aside. It appeared from the affidavits that this indictment charged the defendants with the non-repair of a public carriage highway. The defendants pleaded, not guilty; and at the trial, before Tindal, C.J., at the Spring Assizes for the county of Derby, the defendants did not contest their liability to repair the road in question as a bridle-way; but the only matter in dispute, and the only question eventually left by his Lordship to the jury, was, whether it was a public highway for carriages; and the jury found that it was not: a verdict of not guilty was, consequently, entered (1).

(1) *Gale*, in Easter term (April 19), moved for a rule calling on the defendants to shew cause why a verdict should not be entered for the Crown; and also why the costs should not be paid by the defendants, whatever might be the verdict. On the first point, he contended, that the defendants, after the proceedings before the Justices at Petty Sessions, could not set up that the road was not a highway, those proceedings having been put in at the trial, and being conclusive evidence of the fact; the Magistrates only having power to direct the indictment to be preferred where there was a highway in point of fact.

[PATTERSON, J.—The proceedings before the Magistrates might amount to an admission that the road was a highway for all purposes, but we cannot confine the issue on the record.]

In Trinity term a summons was taken out, calling on the defendants' attorney to shew cause why the Lord Chief Justice should not certify for the prosecutor's costs, pursuant to the statute. This summons was attended on the 27th of May, when his Lordship, after hearing counsel on both sides, made an order that the associate should attend, with the Nisi Prius record, for the purpose of his Lordship's certificate for costs being indorsed thereon; and such indorsement was subsequently made.

It further appeared, that, previous to the indictment being preferred, the Magistrates, at petty sessions, upon information given to them, under 5 & 6 Will. 4. c. 50. s. 94, had summoned the surveyor, and had directed the indictment to be preferred.

*Humfrey and Gale* shewed cause.—It does not appear but that this was a highway for every purpose, except for carriages; it was out of repair, and an indictment was directed by the Justices at petty sessions.

[WIGHTMAN, J.—It was not disputed that it was a bridle-way; but the prosecutor failed, on the ground that he could not make it out to be a carriage-way.]

The circumstance of the verdict having passed for the defendants does not affect the Judge's right to order the costs to be paid to the prosecutor. In *The Queen v. Yarkhill* (2) the statute was held imperative. In *The Queen v. Chedworth* (3) the Judge refused to make any certificate: here the Judge who tried the cause, after argument and deliberation, has made the certificate. What took place before the Lord Chief Justice may be collected from the report of this very case, *The Queen v. the Inhabitants of Heanor* (4). There Tindal, C.J. expressly decided, that he was of opinion that the act extended to every road considered as a highway. The

[LORD DENMAN, C.J.—This point may be considered as already decided, in a case tried before my Brother Patteson.\*]

Then as to the costs—

*Per Curiam*.—This Court has no power to direct the costs to be paid to the prosecutor; it is a matter for the Judge who tried the cause.—Rule refused.

(2) 9 Car. & Pay. 218.

(3) Ibid. 285.

(4) 13 Law J. Rep. (N.S.) M.C. 144; s. c. 2 Moo. & Rob. 445, n.

\* See *The Queen v. Chedworth*, 9 Car. & Pay. 285.

Court will not now review his decision. In directing the indictment to be preferred the Magistrates acted judicially—*The Queen v. Lord Radnor* (5);—and whether the road turned out to be a highway or not, the prosecutor was not a volunteer, but bound to proceed upon the order of the Justices; and the investigation was as necessary on the question of the road being a highway, as on that of repair.

[PATTESON, J.—It is quite clear to me that the legislature, in the 95th section, contemplated the case of an actual highway, and only meant to deal with cases in which the duty or obligation to repair is disputed.]

The Court will not assume that the Lord Chief Justice of the Common Pleas did not make the order on the right ground. It may be doubted, indeed, whether the Court can now look to anything besides the indictment, the finding of the jury, and the certificate: they cannot inquire into the ground on which the jury returned their verdict.

*Whitehurst*, contra, was not called upon.

LORD DENMAN, C.J.—It does not appear that the Lord Chief Justice of the Common Pleas, at the time he made the order for costs, was fully aware of what had passed in this court. The question now raised has been brought under my consideration in a case where a similar application was made to myself; and the particular circumstances of that case induced me to pause before I granted it; and I then found, on inquiry, that my Brother Patteson had already actually held that the clause referred to only applied to cases where the obligation to repair is disputed. I think, therefore, we must hold that the Lord Chief Justice, in making the order, acted without jurisdiction.

*Rule absolute.*

1845. } THE QUEEN v. THE JUSTICES  
Jan. 14. } OF WARWICKSHIRE.

*Quarter Sessions, Practice of—Intendment to be made in favour of—Entry of Appeal—Mandamus.*

*This Court will not presume that a Court*

*of Quarter Sessions were wrong in refusing to enter and try an appeal, where, for anything that appears, a rule of practice of the Sessions might alone have well justified such refusal.*

*An order of removal was made and appealed against; and, on the non-appearance of the appellants at the Sessions for which notice was given, an order was made for costs against them, and the paupers were afterwards removed to the appellant parish. A fresh notice of appeal for the then next Sessions was, thereupon, served; and these Sessions being held on the 16th of October, the attorney for the appellants attended on the 17th, and applied to the Court of Quarter Sessions to be allowed to enter and try the appeal, but that Court refused the application:—Held, that this Court would not interfere by mandamus to compel the Sessions to enter and try the appeal, as it was quite consistent with the facts stated that the application was not made in time, according to the practice of the Sessions.*

In Michaelmas term a rule had been obtained, calling on the Justices of the county of Warwick to shew cause why a writ of mandamus should not issue, directed to them, commanding them to enter or cause to be entered, as of the three last General Quarter Sessions of the Peace, held in and for the said county, the appeal of the churchwardens and overseers of the poor of the parish of Coleshill, in the said county, against an order under the hands and seals of two of the said Justices, for the removal of Edward Sheffield, Hannah his wife, and their six children, from the parish of Kingsbury, in the said county, to the said parish of Coleshill, and to enter or cause to be entered continuances upon the said appeal, from Sessions to Sessions, to their then next General Quarter Sessions of the Peace in and for the said county, and at such next general Quarter Sessions, to hear and determine the merits of the said appeal.

The rule had been granted on an affidavit which stated, that, in May 1844, an order, under the hands and seals of two Justices for the county of Warwick, for the removal of Edward Sheffield, his wife and children, from Kingsbury to Coleshill, was, together with the examinations, sent to and served

on the parish officers of the parish of Coleshill.

Notice of appeal was given against this order; and on the 12th of June the appellant parish sent the respondent parish a statement of grounds of appeal, and also a notice of their intention to prosecute and try the appeal at the next Quarter Sessions, to be holden at Coventry, for the Coventry division of the county of Warwick. Those Sessions were held at Coventry on the 4th of July. At those Sessions the appellants did not appear (the notice of trial, however, not having been countermanded), nor was the appeal entered; and an order for costs to be paid by the appellants to the respondents was made by the Court on the application of the respondents, under the statute 8 & 9 Will. 3. c. 30. s. 3, and the paupers were on the 19th of August actually removed to the parish of Coleshill. On the 28th of September the appellants sent and served a fresh notice and statement of grounds of appeal against the said order of removal, and of their intention to prosecute and try an appeal at the next Quarter Sessions for the Coventry division of the county. Such next Sessions were held at Coventry on the 16th of October. On the 17th the attorney for the appellants attended at the office of the clerk of the peace for the county of Warwick to enter the said appeal, and the clerk of the peace refused to enter the same; and the attorney afterwards, on the 17th of October, applied, on behalf of the churchwardens and overseers of the parish of Coleshill, to the Quarter Sessions, by his counsel, to have the appeal against the said order entered for the purpose of trying the same. The respondents, however, appeared by their counsel and opposed the entry of the appeal; and the Court of Quarter Sessions refused to enter the same, or to permit the same to be tried.

*Hayes and Mellor shewed cause.*—First, there is nothing to shew that the application to enter the appeal was made in time, according to the practice of the Sessions.

[COLERIDGE, J.—It is stated that the Court was actually sitting.]

The application was not to enter and re-spite, but to enter and try. The Court will not presume that the Sessions did not adhere

to their usual practice; and no reason is assigned for the refusal of the Sessions, so as to enable the Court to see whether they were right or not. But, secondly, (if the Court will go into that question), the Sessions, on the facts stated, were right in refusing to try the appeal. It is true that a party may either appeal against the order, or against the actual removal—*The Queen v. the Justices of Salop* (1); but that case and the observations of Patteson, J., in *The Queen v. Shipston-upon-Stour* (2) shew, that the party cannot do both. Here, the appellants have made their election to treat the order of removal as the grievance, under the statute 13 & 14 Car. 2. c. 12. s. 2, and cannot appeal again upon the actual removal. This is consistent with the judgment of Wightman, J., in *The Queen v. the Justices of the West Riding of Yorkshire* (*Stanley v. Alverthorpe*) (3).

*J. Spooner, contra.*—As to the first objection, it is for the respondents to shew grounds for the Sessions refusing to hear the appeal. *Prima facie* a party has a right to enter his appeal at any time during the Sessions. (He was then proceeding to argue the second point, but was stopped.)

LORD DENMAN, C.J. — Upon the first point, I think this rule ought to be discharged. It is not stated in the affidavit on which the rule was granted, nor does it anywhere appear, that the appellants applied to enter the appeal within the proper time, according to the practice of the particular Sessions. No presumption can be made as against the Sessions, that they did not act right according to their own practice.

COLERIDGE, J. — It is quite consistent with everything that appears here, that the Sessions were right, and that you were wrong in coming too late, according to their practice.

PATTESON, J. and WIGHTMAN, J. concurred.

*Rule discharged, with costs.*

(1) 6 Dowl. P.C. 28.

(2) 13 Law J. Rep. (N.S.) M.C. 132.

(3) *Ante*, p. 11.

BAIL COURT. } THE QUEEN v. THE INHABITANTS OF THE TOWNSHIP OF DARTON.  
1844. }  
Nov. 21. }

*Certiorari*—Notice—Statute 13 Geo. 2. c. 18. s. 5.—*Affidavit*.

*An affidavit upon motion for a certiorari to remove an order of Quarter Sessions, stating that the notice of motion under 13 Geo. 2. c. 18. s. 5. was served upon A. B. and C. D., two of the Justices for the county, "and that the said A. B. and C. D. were two of the Justices present at the Sessions" at which the order was made, is insufficient, though it appears that the order was made on an appeal against an order of removal, subject to a special case.*

*The notice of motion stated it to be given on behalf of the overseers of the poor of the township of Darton, and was signed "G. K., attorney for the overseers of the poor of the said township of Darton, appellants," after describing the appeal. The affidavit of service was made by a person who described himself as clerk to G. K., attorney at law. Semble, that this was sufficient proof that G. K. was the attorney of the appellants, and that the notice was served on their behalf.*

A writ of *certiorari* had been obtained on the 25th of November 1843, to bring up an order of the Court of Quarter Sessions for the West Riding of Yorkshire, held on the 3rd of July 1843, confirming an order of removal of several paupers from the township of Bretton West to the township of Darton, in the West Riding, subject as therein stated to a special case for the opinion of this Court. The affidavit, on which the writ had issued, was that of Thomas Green, "of Barnsley, in the county of York, clerk to George Keir, of the same place, attorney at law," sworn on the 18th of November, which stated that he did, on the 18th of November instant, personally serve John Thorneley, Esq. and the Rev. Henry Watkins, clerk, two of Her Majesty's Justices of the Peace, in and for the West Riding of the county of York, each of them, with a duplicate of the notice hereunto annexed; "and that the said John Thorneley and Henry Watkins were two of the Justices of the Peace present at the Midsummer General Quarter Sessions of the Peace, held, by adjournment,

at Rotherham, on the 3rd of July last past, at which Sessions the appeal mentioned or referred to in the notice hereunto annexed, came on for hearing, and was heard accordingly; and the order appealed against was confirmed, subject to a case." The notice annexed was directed to the same two Magistrates, and merely gave them notice that a writ of *certiorari* would be applied for to remove the order of Sessions. It then purported to be signed "George Keir, attorney for the said overseers of the poor of the said township of Darton, appellants."

In Easter term last, a rule *nisi* had been obtained to quash the writ of *certiorari*. The affidavits in answer stated the granting of the special case by the Sessions; that Mr. Keir, the attorney for the appellants, forwarded the case, as settled by his counsel, on the 14th of November, with a letter, in which he asked the respondents' attorney to give a consent brief to counsel for issuing the *certiorari*; that not receiving an answer he prepared a notice to two of the Justices present at the said Sessions, and caused them to be served therewith, and on the 19th of November received an answer to his letter of the 14th, in which the respondents' attorney stated, that, as it was for his convenience, if he would pay the fee, he would give the brief. The expense of service having been incurred, this was declined. The case was not returned, and, consequently, he wrote to the respondents' attorney on the 11th of May requesting its return; to which the reply was, that the present rule was about to be moved for. The rule having been enlarged,—

*Hall* now shewed cause. — Two objections are insisted upon: the first being that the affidavit, on which the *certiorari* was obtained, does not shew that the Magistrates served were two of the Magistrates who made the order; and, the second, that it is not shewn by the affidavit that the notice was served, or the application for the writ was made on behalf of the appellants. With respect to the last objection *The King v. Abergyle* (1) shews, that a notice signed by the attorney for the parish is sufficient, and that case was confirmed in *The Queen v. the Justices of Wilts* (2), where the notice was signed by A. B. "attorney for

(1) 5 Ad. & El. 795.

(2) 10 Law J. Rep. (N.S.) M.C. 25.

the respondents." The case also of *The Queen v. the Justices of Lancashire* (3) is precisely in point in that respect. There the notice was signed by "Crossley & Sudlow, solicitors for Mr. Richard Gould, a ratepayer of the township of Manchester, within and part of the said borough," and that was held a sufficient statement of the notice being served on his behalf. That case is also directly in point as to the statement in this affidavit being sufficient; for the notice, so signed, was held to be a compliance with the statute, though there was no affidavit that the notice was, in fact, served at the instance of Mr. Gould, and the Court said, that if it was not so served the Magistrates should have produced affidavits to the contrary. But there is another answer to this, and also to the other objection, namely, that this application is too late. The applicants had notice of this defect in last Michaelmas term; and being an irregularity, they were bound to come within a reasonable time, and not to lie by, and suffer the other parties to incur considerable expense. The cases relied upon by the appellants, are *The King v. Rattislaw* (4), *The Queen v. the Inhabitants of Cartworth* (5), and *The Queen v. the Inhabitants of Gildersome* (6); but this case is distinguishable from them on two grounds, first, because it appears on the face of the affidavit that a special case was granted; and, secondly, because it is here sworn that the Magistrates served were present at the Sessions. With respect to the first of these points, the statute was intended to afford the Magistrates an opportunity of resisting the *certiorari*, in the first instance, where it was to be sued out hostilely, and was never intended to apply where a special case has been granted: the very granting of which, is, in itself, a consent to its issuing; and it would be a strange inconsistency if two Magistrates could shew cause against the act of the whole Court of Quarter Sessions. This was evidently the opinion of Coleridge, J., in *The Queen v. the Inhabitants of Cartworth*; and that is borne out by the practice of the Crown Office. In cases where a special case has been granted,

it is the constant course for the other party to give a consent, and the writ issues thereupon. If the argument of the respondents is right in the present case, that practice is improper, and every writ so issued may be set aside: to put such a construction on the statute would be unreasonable, and, therefore, when there is a consent, the notice is unnecessary; and the granting a case is equivalent to such consent.

[PATTESON, J.—In *The Queen v. the Inhabitants of Cartworth*, a special case had been granted, and it was actually set down for argument.]

That may be so; yet it does not appear that the affidavit on which the *certiorari* was obtained, stated that to have been so, and that was relied upon as defective.

[*Pashley*, in support of the rule, referred to *The King v. the Justices of Sussex* (7), as shewing that the statute applied to a writ where a special case had been granted.]

That was a very different case, for the question there was, whether the party could issue the writ after the expiration of the six months: that would not be affected by the consent, which is only to issue it within the prescribed period. That is a term reasonably and properly implied. As to the statement in the affidavit, of the presence of the Magistrates, it is also sufficient. The Court will not infer that the Sessions extended over more than one day, and it is sufficient if they were present at the Sessions. The entry on the sessions-book is only of the names of those who are present at the commencement, and it would be a great hardship to compel a person to ascertain who were the individuals actually present, and who made the order, for it might be impossible for him to do so. Some might dissent or take no part. All that the party can learn is, who were present at the Sessions generally.

*Pashley*, in support of the rule.—The affidavit does not shew that the two Magistrates served were two of those "by and before" whom, to use the words of the statute, the order in question was made. The reason for requiring that the notice should be served on two such parties is obvious, as they would know the ground on which the case was

(3) 11 Ad. & El. 144; a. c. 9 Law J. Rep. (n.s.) Q.B. 9.

(4) 5 Dowl. P.C. 539.

(5) 13 Law J. Rep. (n.s.) M.C. 26.

(6) Ibid. 46.

(7) 1 Mau. & Selw. 631 and 734.

granted, and would possess the best means of forming a judgment as to the expediency of allowing it to be argued. At the Sessions, when they granted the case, they might think there was something in the point raised which, upon its coming to be settled, might appear to be quite frivolous and vain; and, therefore, they might desire that the writ should not issue. Then the affidavit does not state that they were present at the time of making it, which Lord Denman, C.J., in *The Queen v. the Inhabitants of Gilbertsome*, declares to be absolutely necessary. To say, that they were present at the Sessions, cannot be intended to mean that they were present when the order was made, for the Sessions are held by adjournment, at three different places, and held several days at each place. A person could not be indicted for perjury on this affidavit, if these Magistrates had been present at any one place on any one day; and how can the Court say, that such a statement satisfies them, that they were actually present when the order was made? Consistently, too, with this statement, they may have been present, yet no parties to the making of the order, for they may have attended as witnesses or as parties. In every case a liberal construction has been put upon the act, both in *The King v. Rattislaw* and *The Queen v. the Inhabitants of Cartworth*, and as declared by the Court of Exchequer in the case of *Potter v. Nicholson* (8), and various other cases under 1 & 2 Vict. c. 110. s. 9, it is far better, where a statute has prescribed a particular form of words, that that form should be strictly adhered to. With respect to the time of this application, *The Queen v. the Inhabitants of Cartworth* was a stronger case than the present, for a greater period had elapsed, and the case was actually coming on for argument; here it has never been settled. There is no force in the observation, that the statute does not apply to cases of consent. *The King v. the Justices of Sussex* is precisely in point in that respect; for there the mere question of time was not alone debated; but the question as to the necessity of serving notices was raised and decided. The affidavit is

also defective, in not shewing that Mr. Keir was the attorney for the appellants; all that it states is, that the deponent served a paper; it does not allege it to have been signed by Mr. Keir. An oath ought to be pledged to the fact, that it was served on behalf of the appellants; and that nowhere appears. An attorney, in making any application, ought to shew that he is authorized—*Lewis v. Lord Tankerville* (9), by the proper party. Mr. Keir might have been the attorney at the Sessions, and his authority would have ceased with that judgment. The point was not raised in *The Queen v. the Justices of Lancashire*, and the other cases.

*Cur. adv. vult.*

PATTESON, J.—In this case several objections were raised to the writ of *certiorari*, which had been issued; and the first question is, whether, under the circumstances, there was any necessity to serve the Magistrates with notice. In answer to the rule to quash the writ, it was urged, that as this appeared to be a case in which a special case had been granted by the Court of Quarter Sessions, the necessity of serving two Magistrates with notice was dispensed with. Upon looking, however, at the case of *The King v. the Justices of Sussex*, it is quite clear that the Court has decided that it is necessary to serve the Magistrates with notice under such circumstances; and, as I cannot take upon myself to overrule that decision, I must hold that they ought to have been served, although the Sessions granted a case. The question then arises, whether sufficient service of notice has been effected under the statute 13 Geo. 2. c. 18. s. 5. There was another point raised, whether the notice, which has been served sufficiently appeared to have been given by the party suing forth the same, inasmuch as it was served by a person who describes himself as a clerk to Mr. Keir, and Mr. Keir's name is signed to the notice as attorney for the overseers. This is merely part of his description, and no positive statement to that effect is contained in the affidavits. In *The Queen v. the Justices of Lancashire*, how-

(8) 8 Mee. & Wels. 294; s. c. 10 Law J. Rep. (N.S.) Exch. 311.

(9) 11 Mee. & Wels. 109; s. c. 12 Law J. Rep. (N.S.) Exch. 234.

ever, a notice, subscribed by "Crossley & Sudlow, solicitors for Mr. Richard Gould, of the township of Manchester, within and part of the borough," was held to shew sufficiently that it was given on behalf of the party. The affidavit there certainly was made by Mr. Sudlow, one of the partners, but it did not verify the signature, nor did it state that it was served on behalf of Mr. Gould. In all essential respects, therefore, that case does not differ from the present. The act, indeed, does not even require that it should be signed by the party giving it, but only that it should be given by the party. Under the circumstances of the present case, it is not required that I should decide the point; but I must confess that the bias of my mind is, that the notice in these respects was valid. I then come to the main question, whether the affidavit shews that the right Magistrates have been served. Now the act of parliament directs that the writ shall not issue, "unless it be duly proved, upon oath, that the said party or parties suing for the same, hath or have given six days' notice thereof, in writing, to the Justice or Justices, or to two of them, (if so many there be) by and before whom such conviction, judgment, order, or other proceeding, shall be so had or made, to the end that such Justice or Justices, or the parties therein concerned, may shew cause against the issuing or granting of such *certiorari*." The order in question is an order of the Court of Quarter Sessions, and the affidavit, on which the writ was obtained, states, that the deponent did personally serve J. Thorneley, Esq. and the Rev. H. Watkins, clerk, two of her Majesty's Justices of the Peace, in and for the West Riding of the County of York, each of them, with a duplicate of the notice hereunto annexed; and that the said J. Thorneley and H. Watkins were "two of the Justices of the Peace present at the Midsummer General Quarter Sessions, held, by adjournment, at Rotherham, on the 3rd of July last past, at which the appeal came on to be heard." I believe there is no affidavit on the part of the persons obtaining the present rule, that these gentlemen were not present, but Mr. Pashley relies simply upon the insufficiency of the original affidavit; and the question, therefore, rests entirely upon that.

Now it states that they were two of the Justices present at the Midsummer General Quarter Sessions, at which the appeal in question came on to be heard, and it is certainly quite consistent with this affidavit that these Magistrates may not have been present at the hearing, and still have been present at the Sessions; for although the Sessions, in contemplation of law, are but one day, yet we know in fact that they might and do last several days. The statement, therefore, in this affidavit may be perfectly true, and yet they may not have been present at the time. The Sessions may have lasted several days, and they may have only attended upon one day, or they may have been present in court during part of the day, and have been absent when it was heard. It is nowhere said that they were present at the hearing, and this, it appears to me, the affidavit ought to have done. The omission is certainly unfortunate; but, I think, I must hold parties strictly to the terms of the statute, and that an affidavit for such a purpose should shew that the Magistrates were on the Bench when the appeal was tried. In the present instance, there is not even an affidavit in answer to the rule, stating that they were in court. Therefore I think this rule must be made absolute, and that the writ ought to be quashed.

#### *Rule absolute (11).*

(11) In *The Queen v. the Justices of Herefordshire*, in this term (Nov. 20).—

*Cooke* moved for a *certiorari* to remove an order of the Court of Quarter Sessions for Herefordshire upon an affidavit which stated that the deponent served J. B., Esq. and J. F., Esq., two Magistrates of the county of Hereford, who were present in Court at the time of making the order.

*Skinner* shewed cause upon an affidavit of J. F., which stated that he was in court when the appeal was called on; that upon an observation being made that there was a large rate-payer, of the respondent parish, on the bench, he immediately stated he had not taken any part in the proceedings of the Court as regarded the appeal, and that he did not intend to vote or act, and that he did not act or interfere in the determination of the appeal. He objected that the statement in the affidavit in support of the motion was insufficient, inasmuch as it did not shew that J. F. was a Magistrate by whom the order was made, and that the facts stated in his affidavit shewed that it

BAIL COURT. }  
 1845. } THE QUEEN v. THE JUSTICES  
 Jan. 30. } OF BUCKINGHAMSHIRE.

*Bastard—7 & 8 Vict. c. 101.—Evidence—Statement of, upon Oath.*

*An order of affiliation, made under 7 & 8 Vict. c. 101, must shew upon the face of it that all the evidence was taken upon oath, though the statute does not so expressly direct.*

*Therefore, such an order stating, that it being proved to the Justices in the presence and hearing of the said T. E. (the putative father), that the said child was within six calendar months before the passing of the act born a bastard of the body of the said M. S. (the mother), and that the Justices having in the presence and hearing of the said T. E. heard the evidence of such woman upon oath, and such other evidence as she had produced, and the evidence of the said M. S. (the mother) having been corroborated in some material particular by other testimony to their satisfaction, did adjudge, &c., was held bad.*

This was a rule, calling upon the Justices of the Peace for the county of Buckingham to shew cause, why a *certiorari* should not issue to bring up the following order of affiliation made under the hands and seals of the Rev. John Rich, clerk, and the Rev. William Bruton Wroth, clerk, two of the said Justices:—"Bucks, to wit. At a petty session of Her Majesty's Justices of the Peace for the county of Buckingham, holden in and for the Ivinghoe division of the three hundreds of Cottesloe, in the county of Buckingham, at the Town Hall in Ivinghoe, in the said division and county, on the 4th day of November 1844, before us, the Rev. W. B. W, clerk, and the Rev. J. R, clerk, two of Her Majesty's Justices

might be quite consistent with the original affidavit, that he might have never been a party to the order, and consequently, that the statute had not been complied with.

PATTESON, J. granted time to Cooke to answer the affidavit; but said, that if the fact was that public intimation had been given by Mr. F. that he did not intend to interfere, he thought he was not a Justice within the meaning of the statute, and the service would be nugatory.

of the Peace for the said county. Whereas one Mary Stilton, single woman, residing at the parish of Wingrove, within this division and county, did, on the 7th of October in the year of our Lord 1844, having been delivered of a male bastard child within twelve calendar months prior thereto, make application to William Jenney, Esq., one of Her Majesty's Justices of the Peace usually acting for this division and county, for a summons to be served upon one Thurston Earthrowl, of 13, Elizabeth Terrace, Liverpool Road, Islington, in the county of Middlesex, carpenter and joiner, whom she alleged to be the father of the said child, and the said Justice thereupon issued his summons to the said T. Earthrowl to appear at a petty session to be holden on this day for this division and county, to answer her complaint touching the premises. And whereas the said T. Earthrowl having been duly served with the said summons within forty days from the present time, and being now present, and the said Mary Stilton having now applied to us, the Justices in petty sessions assembled, for an order upon the said T. Earthrowl, according to the form of the statute in such case made and provided. And it being now proved to us, in the presence and hearing of the said T. Earthrowl, that the said child was within six calendar months before the passing of an act, passed in the eighth year of the reign of Her present Majesty, intituled, 'An Act for the further Amendment of the Laws relating to the Poor in England,' that is to say, on the 31st day of March 1844, born a bastard of the body of the said M. Stilton. And we having, in the presence and hearing of the said T. Earthrowl, heard the evidence of such woman upon oath, and such other evidence as she hath produced, and having also heard the said T. Earthrowl, by his attorney, and the evidence of the said M. Stilton, the mother of the said child, having been corroborated in some material particular by other testimony to our satisfaction, do hereby adjudge the said T. Earthrowl to be the putative father of the said bastard child; and having regard to all the circumstances of this case, we do hereby order that the said T. Earthrowl do pay unto the said M. Stilton, the mother of the said bastard child, so long as she shall live, and shall be of sound mind, and shall not



be in any gaol or prison, or under sentence of transportation, or to the person who may be appointed to have the custody of such child, under the provisions of the said statute, the sum of 2s. per week from the said 7th day of October last, being the day upon which such application was made, until the said child shall attain the age of thirteen years, or shall die, or the said M. Stilton shall marry. And we do hereby further order the said T. Earthrowl to pay to the said Mary Stilton the sum of 2l. 1s. 6d., being the costs incurred in obtaining this order, and 10s. for the midwife. Given under our hands and seals at the session aforesaid.—John Rich, W. B. Wroth."

The main objection to the order was, that it did not shew upon the face of it that the evidence upon which the order was made was given upon oath. There were numerous other objections, upon which no decision was given by the Court.

*Keane* now shewed cause.—This objection arises upon section 2. of the 7 & 8 Vict. c. 101, which enacts, "that any single woman who has been delivered of a bastard child within the period of six calendar months before the passing of this act, may, at any time within twelve months from the birth of such child, make application to any one Justice of the Peace acting for the petty sessional division of the county, or for the city, borough, or place in which she may reside, for a summons to be served on the man alleged to be the father of such child." And by section 3. "on the appearance of the person so summoned, or on proof that the summons was duly served on such person, or left at his last place of abode, six days at least before the petty session, the Justices in such petty session shall hear the evidence of such woman, and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father; and if the evidence of the mother be corroborated in some material particular by other testimony, to the satisfaction of the said Justices, they may adjudge the man to be the putative father of such bastard child." There is nothing in the words of the act which requires any of the evidence to be given upon oath, and it does not even direct proof to be given before the Justices

that the child was born within the six months before the passing of the act; but in this order the words of the statute are followed, and that is sufficient: moreover the evidence of the mother is distinctly stated to be upon oath.

*Archbold*, in support of the rule.—This objection is fatal. The mere use of the words of the statute is not sufficient; it should appear distinctly that all the evidence upon which the order was made was taken upon oath. *Paley on Convictions*, p. 42. *The Queen v. Lewis* (1), *In re Gray* (2), are direct authorities to shew that even if the statute is silent as to the evidence being given upon oath, still it must be so.

WIGHTMAN, J. — The order certainly adopts the words of the statute, which does not use the word *oath*, but speaks merely of evidence and testimony. It does, indeed, appear, that the Justices heard the evidence of the mother upon oath, but that is the only part of the evidence which is stated to have been so taken. It seems to me that all the evidence which was given to the Magistrates, and upon which the order was made, ought to appear on the face of the order to have been taken on oath, even though the statute does not expressly direct such to be the case. The cases which have been cited of *The Queen v. Lewis* and *In re Gray* are direct authorities upon this point. They were convictions on the Master and Servants' Act, which does not direct the evidence to be taken upon oath, but such a mode of proceeding was held to be necessary there. I am, therefore, of opinion, that the order is bad upon this ground.

*Rule absolute.*

BAIL COURT. }  
1845. } THE QUEEN v. THE JUSTICES  
Jan. 30. } OF CORNWALL.

*Pauper Lunatic*—9 Geo. 4. c. 40. ss. 38. & 41—*Jurisdiction*.

*Justices of the Peace for a borough have no power to send a pauper lunatic, who is*

(1) 13 Law J. Rep. (N.S.) M.C. 46.  
(2) *Ante*, p. 26.

chargeable to the borough, to the county lunatic asylum, under 9 Geo. 4. c. 40. s. 38.

*An order adjudicating as to the settlement of an insane person confined in a county lunatic asylum, and ordering the payment of expenses under s. 42, can only be made when such insane person is confined there under an order of two Justices of the county.*

*An order of two Justices, adjudging the settlement of a pauper lunatic to be in P, and ordering the overseers of P. to pay 5s. 6d. weekly to the treasurer of the county lunatic asylum (where the pauper was confined), or such other sum as should be thereafter fixed on by the visitors of the said county lunatic asylum, is bad, for not shewing that 5s. 6d. was the sum which had been fixed on by the visitors of the lunatic asylum.*

A rule had been obtained calling upon the Justices of the Peace of the county of Cornwall, to shew cause why a *certiorari* should not issue to bring up the following order of Justices, adjudicating as to the settlement of a pauper lunatic under 9 Geo. 4. c. 40; and an order of Sessions confirming the said order.

"Cornwall, to wit. To the overseers of the poor of the borough of Penryn, in the county of Cornwall.

"Whereas, heretofore, to wit, on the 3rd day of March 1843, at the borough of Falmouth, in the said county, by a certain order of Joseph Fox, mayor of the said borough, and John Hill, Esq., two of her Majesty's Justices of the Peace in and for the said last-mentioned borough, reciting, that it appeared to them, having called to their aid one Frederick Charles Bullmore, a surgeon, that one Elizabeth Deacon, otherwise called Elizabeth Worsdale, chargeable to the town of Falmouth aforesaid, was insane, and they, therefore, thereby ordered and directed the said overseers to cause the said E. D, otherwise called E. W, to be conveyed to the county lunatic asylum, established at Bodmin, in the said county. And whereas, in pursuance of the said order, the said E. D, otherwise called E. W, was thereupon afterwards, on the day and year last aforesaid, conveyed to the said lunatic asylum, and was then and there delivered to the proper officer thereof, who then and there accepted and received the said E. D,

otherwise called E. W, into the said asylum, and the said E. D, otherwise called E. W, was then and hath been from thence hitherto kept and detained, and is still kept and detained in the said asylum as insane, where she hath ever since been and still is maintained. And whereas, at the time of the making of the order aforesaid, the place of the last legal settlement of the said E. D, otherwise called E. W, had not been ascertained, and it is necessary now to inquire into and ascertain the same according to the exigency of the statute in such case made and provided, in order that the reasonable charges of the removing, maintenance, medicine, clothing, and care of the said E. D, otherwise called E. W, (incurred within twelve calendar months previous to the date of this order,) may be repaid, and the future expenses necessary for the maintenance, medicine, clothing, and care of the said E. D, otherwise called E. W, whilst she remains insane, may be provided for; therefore we, John Samuel Enys and George Croker Fox, being two of her Majesty's Justices of the Peace, in and for the said county of Cornwall, having accordingly inquired into the place of the last legal settlement of the said E. D, otherwise called E. W, and it being now satisfactorily proved before us, as well by the oaths of Benjamin Deakin, Richard Ockleshrow, James George Julyan, Thomas Small Skinner, Francis Mitchell, and Thomas Mitchell, as otherwise, that the said borough of Penryn, in the said county, is the place of the last legal settlement of the said E. D, otherwise called E. W: we do therefore hereby adjudge the place of the last legal settlement of the said E. D, otherwise called E. W, to be in the said last-mentioned borough; and we do hereby order the overseers of the said last-mentioned borough to pay unto the overseers of the town of Falmouth aforesaid, the sum of 3*l.* 18*s.* 6*d.*, being the reasonable charges of conveying the said E. D, otherwise called E. W, to the said county lunatic asylum; and also the further sum of 2*l.* 10*s.* to the treasurer of the said county, being the amount of the several sums which by him have been hitherto paid for the reasonable charges of the maintenance, medicine, clothing, and care of the said E. D, otherwise called E. W, in the said lunatic asylum;

and also the sum of 5s. 6d. weekly and every week, to the treasurer of the said county lunatic asylum, or such other sum weekly, as shall be from time to time hereafter fixed on in that behalf, by the visitors of the said county lunatic asylum.

"Given under our hands and seals the 21st day of October, in the year of our Lord 1843.

"John S. Enys.

"G. Croker Fox."

The objections to the above order, were, first, that the payment of the charges of conveying the pauper to the lunatic asylum was ordered to be made to the overseers of the town of Falmouth, whereas it ought to have been to the treasurer of the county. Secondly, that the Justices had no jurisdiction to order the payment of a fixed sum, but only such sum as the visitors should fix upon. Thirdly, that the Justices of the borough of Falmouth had no jurisdiction to send the pauper lunatic to the county lunatic asylum.

*Merivale* now shewed cause.—This first objection only goes to part of the order, and even if it prevail, the order will be good as to the remainder, and cannot be quashed on that ground. As to the second objection, which also goes to part of the order only, the order is to pay 5s. 6d., or such *other* sum weekly, as shall be from time to time hereafter fixed on by the visitors of the said county lunatic asylum. The plain inference to be drawn from these words is, that 5s. 6d. was a sum which had been so fixed on, otherwise the words "such *other* sum" would have no meaning at all.

[WIGHTMAN, J.—I can hardly understand them so; it cannot, I think, be inferred from the order that the sum of 5s. 6d. had been fixed on by the visitors.]

Then, it is objected, that the Justices of the borough of Falmouth had no jurisdiction to make the first order for conveying the lunatic to the county lunatic asylum. This objection is too late. If the first order was bad, it might have been appealed against, under section 46. But it is not necessary, in order to make the order of adjudication valid, that the order for sending the lunatic to the asylum should have been made by two Justices of the

county. Sect. 42. says, "that where the legal settlement of any person confined under *any* order of two Justices at any county lunatic asylum has not been ascertained," and not under any order "made as aforesaid." The probable intention of this clause was, that, when a pauper lunatic was confined in the asylum, under an order of *any* two Justices, good or bad, and no objection was made to that order, then two Justices of the county might proceed to adjudicate as to the settlement.

[WIGHTMAN, J.—I think that is not the true construction of the 42nd section; it must refer to an order made by two Justices of the county. Sect. 41, under which the order in question ought to have been made, gives power to "the said Justices," which must be the Justices of the county mentioned in sect. 38.]

But if that is so, it does not appear from this order that the Justices of Falmouth had not power to send to the county lunatic asylum. Section 50. provides that the county lunatic asylum shall not be liable to the reception of insane persons chargeable to, or apprehended in any town or place situate within the limits of the county, but claiming exemption, and being exempt from contributing to the county rate. The borough of Falmouth is stated to be in the county, and is not, necessarily, exempt from contributing to the county rate: many boroughs are not so; and on the face of the order no such exemption appears.

*M. Smith*, in support of the rule.—The Justices removing the lunatic are stated to be Justices of the borough of Falmouth; the act gives the power of removing to a county lunatic asylum only to two Justices acting for the county or district of counties for which such asylum is established—sect. 38. If the removal under the first order was bad, for want of jurisdiction in the Justices, all subsequent proceedings, which rest upon the original sending, are bad also. The borough Justices had no right to send to an asylum out of their own jurisdiction.

WIGHTMAN, J.—I think this objection is fatal.

*Rule absolute.*

1845. }  
 Jan. 17; } FLETCHER v. CALTHORP AND  
 Feb. 12. } ANOTHER.

Conviction—Indictment, Certainty in—  
 Game—9 Geo. 4. c. 69.

*It is necessary, in a conviction under 9 Geo. 4. c. 69. s. 1, to aver that the party entered the land, by night, for the purpose of destroying game "there," or "therein," (or some equivalent language); and it is not sufficient merely to pursue the words of the statute. Therefore, where in an action of trespass against two Magistrates they pleaded a conviction of the plaintiff, which conviction stated that the plaintiff "did, by night, unlawfully enter a certain inclosed land, in the occupation, &c., with a net, for the purpose of taking game, &c., contrary to the form of the statute,"—Held, on demurrer, that such conviction was no answer to the action, though it was expressly averred, in the plea, that the plaintiff unlawfully entered the inclosed land, by night, for the purpose of taking game, by night, in the said inclosed land.*

*Semble—that the conviction should also allege the purpose to be to take game "by night."*

*Quære—if the same strictness is necessary in indictments for misdemeanour, under the 9th section of the act.*

Trespass, for assaulting the plaintiff, and apprehending him, and seizing, &c. and compelling him to go from Chippenham, in the county of Cambridge, to a certain gaol in the parish of Chesterton, and there imprisoning him, and compelling him to work on a certain treadmill and treadmill, for twelve hours each day, and until the plaintiff, in order to procure his release, was obliged to issue a writ of *habeas corpus*, and cause himself to be carried and conveyed, under the said writ, from the said gaol to Horsemonger Lane Gaol, and from thence to Westminster, where the plaintiff was, by the consent of our Lady the Queen, discharged from his imprisonment.

Plea—That after the making and passing of a certain act of parliament, made and passed in the ninth year of the reign of his late Majesty King George the Fourth, being an act, "for the more effectual pre-

vention of persons going armed, by night, for the destruction of game," (1) and before the said time when, &c., in the declaration mentioned, and before the commencement of this suit, to wit, on the 24th day of October, in the year of our Lord 1843, at the parish of S., in the county of Cambridge, the said plaintiff, with three other persons, to the defendants unknown, did by night, that is to say, after the expiration of the first hour after sunset, on Monday the 23rd day of October 1843, and before the beginning of the last hour before sunrise, on Tuesday the 24th day of October, in the same year, to wit, about the hour of one o'clock in the morning of the said 24th day of October, unlawfully enter certain inclosed land, in the occupation of W. C., and situate in the said parish of S., in the county aforesaid, with a net, for the purpose of taking game, to wit, partridges and pheasants, by night, that is to say, between the expiration of the first hour after sunset on the said 23rd day of October, and the beginning of the last hour before sunrise on the said 24th day of October, in the said inclosed land, contrary to the provisions of the said act of parliament in this plea mentioned, and thereby the said plaintiff then and there, and within the county aforesaid, became and was guilty of an offence against the provisions of the said act of parliament.

(1) The 9 Geo. 4. c. 69. s. 1, after reciting the passing of the 57 Geo. 3. c. 90, and that the practice of going out by night, for the purpose of destroying game, had, nevertheless, very much increased of late years, and had, in very many instances, led to the commission of murder and of other grievous offences; and it was expedient to repeal the said recited act, and to make more effectual provisions for repressing such practice, enacted, that, "if any person shall, after the passing of this act, by night, unlawfully take or destroy any game or rabbits, in any land, whether open or inclosed, or shall, by night, unlawfully enter or be in any land, whether open or inclosed, with any gun, net, engine, or other instrument, for the purpose of taking or destroying game, such offender shall, upon conviction thereof before two Justices of the Peace, be committed, for the first offence, to the common gaol or house of correction for any period not exceeding three calendar months, there to be kept to hard labour."

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And the said defendants further say, that, before the commission of the said offence, by the plaintiff, and before the said time when, &c., in the declaration mentioned, and before the commencement of this suit, to wit, on the 24th day of October, in the year of our Lord 1843, they, the said defendants, respectively, were, and from thence hitherto have been, and still are, Justices of our Lady the Queen, assigned to keep the peace of our said Lady the Queen in and for the said county of Cambridge, and also to hear and determine divers felonies, trespasses, and other misdemeanours, done and committed within the said county. And the defendants further say, that, afterwards, and before the said time when &c., and before the commencement of this suit, and within six calendar months of the commission of the said offence, to wit, on the said 24th day of October, A. D. 1843, at the parish of Isleham, in the said county of Cambridge, the said plaintiff was charged before the said defendant John Calthorp, so there being such Justice as aforesaid, upon the oath of one James Cowel, a credible witness in that behalf, with the said offence in this plea mentioned, the same being an offence punishable upon summary conviction, by virtue of the said act of parliament. And the defendants further say, that, afterwards, and just before the said time when &c., and before the commencement of this suit, to wit, on the 26th day of October, A. D. 1843, at the parish of Chippenham, in the said county, the said plaintiff was brought before the said defendants, so there being such Justices as aforesaid, upon the said charge; and the said charge was then and there, in his the said plaintiff's presence, proved by the said James Cowel and one John Nicholls, being credible witnesses in that behalf, upon oath; and the said plaintiff was then and there convicted by and before the said defendants, then being such Justices as aforesaid, he, the said plaintiff, being then and there present before the said defendants, of his said offence, in this plea mentioned, which said conviction was afterwards, to wit, on the 26th day of October, A. D. 1843, written on parchment, and signed by the said defendants, and afterwards, to wit, on the 5th day of January, A. D. 1844, was returned by the said defen-

dants, then being such Justices as aforesaid, to the Quarter Sessions, then holden in and for the said county, in pursuance of the said statute in that case made and provided, the same being the Quarter Sessions for the said county next after the said plaintiff was so convicted as aforesaid, and which said conviction was and is in the words following:—  
 “Be it remembered, that on the 26th day of October, in the year of our Lord 1843, in the parish of Chippenham, in the county of Cambridge, Robert Fletcher the younger, late of the parish of Soham, in the said county, labourer, is convicted before us, the Rev. John Calthorp, clerk, and Joseph Sidney Tharp, Esq., two of her Majesty's Justices of the Peace for the said county, for that he, the said Robert Fletcher the younger, on the 24th day of October, A. D. 1843, at the said parish of Soham, in the said county, with three other persons, to us, the said Justices, unknown, did, by night, after the expiration of the first hour after sunset on Monday the 23rd day of October, A. D. 1843, and before the beginning of the last hour before sunrise on Tuesday the 24th day of October, in the same year, that is to say, about the hour of one of the clock in the morning of the said 24th day of October, unlawfully enter certain inclosed land, in the occupation of William Cornwell, and situate in the said parish of Soham, in the county aforesaid, with a net for the purpose of taking game, to wit, partridges and pheasants, contrary to the form of the statute in such case made and provided. And we, the said Justices, adjudge the said Robert Fletcher the younger, for his said offence, to be imprisoned in the common county gaol at Cambridge, in and for the said county of Cambridge, and there kept to hard labour for the period of three calendar months, and at the expiration of such period to find sureties by recognizance, himself in the sum of 10*l.* and two sureties in the sum of 5*l.* each, or one surety in the sum of 10*l.*, conditioned that he, the said Robert Fletcher the younger, shall not so offend again for the space of one year next following; and we further adjudge the said Robert Fletcher the younger, in case he shall not find such sureties as aforesaid, to be further imprisoned, and kept to hard labour for the space of six calendar months,

unless such sureties shall be sooner found. Given under our hands the day and year first above mentioned.

“(Signed) John Calthorp,  
Joseph Sidney Tharp.”

As by the record of the said conviction, remaining among the records of the Court of Quarter Sessions for the said county, will more fully and at large appear. And the defendants further say, that the conviction of the said plaintiff of his said offence, hath not, at any time since the said plaintiff was so convicted as aforesaid, in any way, been quashed, reversed, or annulled, but that the same, from thence hitherto, hath been and is in full force and effect. And the defendants further say, that afterwards, and after the said plaintiff was so convicted by and before the said defendants as aforesaid, to wit, on the said 26th day of October, in the year of our Lord 1843, the said defendants, as such Justices as aforesaid, in pursuance of the said conviction of the plaintiff of his said offence, made and issued under their hands and seals a certain warrant of commitment, which said warrant of commitment was and is in the words following:—“County of Cambridge, to wit. To the constable of Soham, in the county of Cambridge, and to the keeper of the common gaol at Cambridge, in the said county. Whereas Robert Fletcher the younger, of Soham, in the said county, labourer, is convicted, by and before us, the Rev. John Calthorp, clerk, and Joseph Sidney Tharp, two of her Majesty’s Justices of the Peace in and for the said county, upon the oath of James Cowel, for that he, the said Robert Fletcher the younger, at the parish of Soham, in the said county, with three other persons unknown, in certain land there situate, in the occupation of William Cornwell, did, by night, to wit, after the expiration of the first hour after sunset on Monday the 23rd day of October, in the year of our Lord 1843, and before the beginning of the first hour before sunrise on the 24th day of October, in the same year, that is to say, about the hour of one of the night of the said 23rd day of October, unlawfully enter upon certain inclosed land, with a net for the purpose of taking game, contrary to the form of the statute in such case made and provided. And thereupon, we, the said Justices, adjudged the said Robert Fletcher the younger, for his said

offence, to be imprisoned in the common gaol at Cambridge, in and for the said county of Cambridge, and there to be kept to hard labour for the period of three calendar months, and that at the expiration of such period he, the said Robert Fletcher the younger, find sureties by recognizance, as hereafter mentioned. These are, therefore, to require you, the said constable, to apprehend and forthwith convey the said Robert Fletcher the younger to the said common gaol at Cambridge aforesaid, and deliver him to the said keeper thereof, together with this precept; and you, the said keeper, are hereby commanded to receive the said Robert Fletcher the younger into your custody in the said common gaol, there to be imprisoned and kept to hard labour for the period of three calendar months; and if, at the expiration of such period, the said Robert Fletcher the younger shall not find sureties, by recognizance, himself in the sum of 10*l.* and two sureties in the sum of 5*l.* each, or one surety in the sum of 10*l.*, conditioned that he, the said Robert Fletcher the younger, shall not so offend again for the space of one year next following, then that you, the said keeper, further imprison the said Robert Fletcher the younger, in your custody, at Cambridge aforesaid, and there to be kept to hard labour for the space of six calendar months, unless such sureties shall be sooner found. Given under our hands and seals, the day of October, in the year of our Lord 1843.

“Joseph Sidney Tharp (L.s.)

“John Calthorp (L.s.).”

And the defendants further say, that the said Robert Fletcher the younger, in the said conviction and in the said warrant of commitment mentioned, is the plaintiff in this suit; and that the said Justices, in the said conviction and in the said warrant of commitment mentioned, are the defendants in this suit; and that the said conviction of the plaintiff, recited in the said warrant of commitment, is the same conviction as in this plea mentioned, and set forth according to the words thereof, and not another and different conviction; and that the said offence, of which the said plaintiff was so convicted as aforesaid, was and is the same offence as is mentioned in the said warrant of commitment, and not another and different offence; and that the said common gaol in this plea

and in the said conviction of the said plaintiff, and in the said warrant of commitment respectively mentioned, was and is in the parish of Chesterton aforesaid, and was and is the same common gaol as in the said declaration mentioned, and not another and different common gaol. And the defendants further say, that afterwards and just before the said time when, &c., to wit, on the 26th day of October, A.D. 1843, the said defendants, as such Justices as aforesaid, delivered the said warrant of commitment to one S. L, then being the constable of Soham, in the said county of Cambridge, to be executed in due form of law, and that the said S. L, so being such constable there, and at the said time when, &c., under and by virtue and in pursuance of the said warrant apprehended, &c. the said plaintiff, and delivered him to Charles Orridge, the governor and keeper of the gaol in the declaration mentioned, as he lawfully might, &c., and the said Charles Orridge received the plaintiff into his custody, under and in pursuance of the said warrant, and imprisoned him, &c., and forced and compelled him to go and work and labour on the said treadmill and treadwheel, being the hard labour in the said conviction and in the said warrant of commitment mentioned, for the space of time in the declaration mentioned, and kept and detained the said plaintiff in custody, until, &c., as he lawfully might, &c., which are the same alleged trespasses, &c. And the defendants further say, that, at the time when the said Charles Orridge, so being such gaoler, received the said plaintiff into his custody, under and by virtue of the said warrant, he, the said Charles Orridge, and also the said plaintiff, well knew the day and time when the said warrant was made and issued by the said defendants as aforesaid. And the defendants further say, that the said plaintiff was discharged from his said imprisonment, to wit, on the said 22nd day of November, A.D. 1843, and within three calendar months next after he was so convicted; and this, &c.

Demurrer, on the ground (amongst others) that the conviction set out in the plea contained no statement of any offence for summary conviction within 9 Geo. 3. c. 69, and that it did not appear that the plaintiff entered or was in the close for the purpose of taking or destroying game therein, or

that he entered or was therein by night, for the purpose of taking game by night.

*Gunning*, in support of the demurrer.—The defendants have set out the conviction and warrant specially, and must stand or fall by it; though they might have given the special matter in evidence under the general issue, yet nothing is to be intended in their favour on a special plea.

[LORD DENMAN, C.J.—There can be no doubt that the privilege of pleading the general issue, and giving the special matter in evidence, is not to be understood as a privilege of pleading badly.]

Then the conviction is insufficient; it does not state that the plaintiff was armed by night for the purpose of taking game "by night," or that he was in the inclosed land for the purpose of taking game "there" or "therein;" he may have been crossing the land for the purpose of taking game at a distance—*In re Fletcher* (2), where Patteson, J. discharged the plaintiff who was imprisoned under this very conviction.

[PATTESON, J.—I discharged the prisoner on the ground that the warrant of commitment had no date. The conviction was not before me.]

In *The King v. Ganier* (3), it was held by Coleridge, J., that to sustain an indictment under this statute, it must be proved that the parties were in the place charged in the indictment, with the intent to destroy game "there."

[COLERIDGE, J.—In that case there was no question made as to whether the prisoners might not be in the act of transit from one place to another, and no other plantation was suggested.]

[PATTESON, J.—In that case the word "there" does occur.]

The same is to be found in all the precedents. In *Davies v. the King* (4), (in error) it was held, that an indictment, which contained no distinct statement that the prisoners were armed, by night, in the close, for the purpose of killing game, was bad: that case is not so strong as the present, as the words "then and there" do occur in it. This conviction neither shews that the plaintiff entered the inclosed land for the pur-

(2) 13 Law J. Rep. (N.S.) M.C. 16.

(3) 7 Car. & Pay. 231; and see *The Queen v. Davis*, 8 Car. & Pay. 759.

(4) 10 B. & C. 89; s. c. 8 Law J. Rep. M.C. 49.

pose of taking game there, or for the purpose of taking it by night.

[COLERIDGE, J.—In *Davies v. the King* the words “then and there” did not refer to the killing and taking; but would not the statement that a party was armed by night for the purpose of killing game, be sufficient, whether it were in the particular close or not?]

The keepers would be less likely to enter into conflict with a person who did not intend to take game on the covers where they met with him.—He then proceeded to argue on the objections to the warrant itself, and other objections to the plea. This part of the argument is omitted, as the points raised in it were not noticed in the judgment of the Court (5).

*Worlledge*, contra.—The conviction is good. It follows the words of the statute; and if anything more be wanting, it is stated distinctly in the plea, that in fact the

(5) The following are some of the objections, with the authorities cited:—First, the warrant, as set out, was no justification, by reason of its having no date, nor appearing to be made in the county of Cambridge—*Ex parte Fletcher*, 13 Law J. Rep. (n.s.) M.C. 16; *In re Reynolds*, 1 Dowl. & L. 846; a.c. 13 Law J. Rep. (n.s.) M.C. 65; 2 Hawk. P.C. 179, 234; *Dalt. Just.* 593; *Morse v. James*, Willea, 122; *Styles v. Wardle*, 4 B. & C. 908; s.c. 4 Law J. Rep. K.B. 81; *Dickinson v. Brown*, 1 Esp. 218; *Ex parte M'Gee*, 6 Mad. 206; *Elderton's case*, 2 Ld. Raym. 978; *The Queen v. Shipston-on-Stour*, 13 Law J. Rep. (n.s.) M.C. 128; *Collett v. Lord Keith*, 2 East, 280; *Ex parte Fuller*, 13 Law J. Rep. (n.s.) M.C. 141; *Daniel v. Phillips*, 1 Cr. M. & R. 662; s.c. 4 Law J. Rep. (n.s.) M.C. 67.—Secondly, that it was not stated that there was any hearing in the defendant's presence—*In re Tordoff*, 13 Law J. Rep. (n.s.) M.C. 145; *Coster v. Wilson*, 3 Mee. & Wels. 411; s.c. 7 Law J. Rep. (n.s.) M.C. 83; *Williams v. Wilcox*, 8 Ad. & El. 314; s.c. 7 Law J. Rep. (n.s.) M.C. 229.—Thirdly, that it was not stated that the plaintiff was called on for his defence, or that he made any, and what it was.—Lastly, that the plea set out unnecessary matter—*Hembro v. Bailey*, 1 Cr. & Mee. 205; s.c. 2 Law J. Rep. (n.s.) Exch. 55; *Bishton v. Evans*, 2 Cr. M. & R. 17; s.c. 4 Law J. Rep. (n.s.) Exch. 142; *Shearm v. Burnard*, 10 Ad. & El. 598; s.c. 8 Law J. Rep. (n.s.) Q.B. 261; *Hall v. Tapper*, 3 B. & Ad. 655; *The King v. Hall*, 1 Term Rep. 320; *Com. Dig. 'Pleader'*, C, 28; *Co. Litt.* 303, b.

plaintiff was in the inclosed land for the purpose of taking game there by night; and those facts must be taken to be admitted by the demurrer. The gist of the offence is the entry by night; and the form of conviction agrees with that given in the act of parliament, as far as it goes, and also with the form of conviction given in *Dickenson's Guide to the Quarter Sessions*, p. 891, 5th edition.

[PATTESON, J.—The earlier paragraph of 9 Geo. 4. c. 69. s. 1. alludes to the taking of game “by night.” It would be singular if the legislature should not have meant that the entry was to kill game “by night.” It is no offence, under the act, to kill game in the day-time.]

[LORD DENMAN, C.J.—Would a party who entered between nine in the evening and six in the morning, for the purpose of taking game at seven or eight, be punishable under the act?]

It is submitted that he would, as the question is not what evidence is necessary to bring the charge home to the party, if the charge itself be, as is the case here, set out in the very words of the act.

[PATTESON, J.—It seems to me that you are in this dilemma: either it is necessary that the entry should be by night for the purpose of taking game in the close, or for the purpose of taking game by night; otherwise, an entry might well be by night, for the purpose of traversing the ground to get at game, at a distant spot, at a lawful time.]

The question is, how much is necessary to be stated in the conviction; all the evidence need not be set out.

[COLERIDGE, J.—But how are we to know that the necessary evidence was given?]

It is to be presumed that the Justices knew the law, and what was the evidence necessary to constitute the offence. Besides, if the words alone of the conviction be looked at, they are sufficient. If it were said that A. B. went into Norfolk to kill game, that could hardly be true, if his purpose was to kill game not in Norfolk but in Suffolk. In *Mann v. Davers* (6) and *The King v. Marsh* (7), convictions were held good, which pursued the language of the particular statutes on which they were

(6) 3 B. & Ald. 103.

(7) 2 B. & C. 717.



founded. In *The Queen v. Ashe* (8), before Wightman, J., at Taunton, at the Summer Assizes, an indictment worded as the present conviction, it was held good on demurrer.

[WIGHTMAN, J.—I do not think that that case can be considered an authority. The demurrer was ultimately withdrawn with a view to having the point reserved, and the prisoner was acquitted on the merits.]

In *The King v. Stevens* (9) Lord Ellenborough observed, with respect to indictments and informations, that "if the sense be clear, nice exceptions ought not to be regarded." In *The King v. Chandler* (10) Lord Holt observes, "That in convictions it is sufficient for the Justices to pursue the words of the statute in the description of the offence, and they are not confined to the legal forms requisite by indictments for offences by the common law. For though all acts which subject men to new and other trials than those by which they ought to be tried by the common law ought to be strictly construed, yet, when such a statute is made, one ought to pursue the intent of the makers, and expound it in so reasonable a manner as that it may be executed." So, in *The King v. Speed* (11), the same Chief Justice observes, "If there is a pretence of right, we ought to suppose that the Justice would acquit the defendant, because he is intrusted with the execution of the law . . . it is enough to lay the fact in the words of the act of parliament." In *The King v. Barham* (12), it was held necessary to prove the intent to be to kill game in the particular close specified in the indictment, but not that it was necessary to allege it. In *Paley on Convictions*, p. 108, 3rd edition, authorities are cited to shew that, "in all cases where the quality of the offence is not of a complicated nature, but consists of a simple fact, it is sufficient to use the words of the statute."

[LORD DENMAN, C.J.—But no authority is given for the broad position as to complicated cases. What are complicated cases for this purpose?]

*Davies v. the King* is, if applicable, in

(8) Not reported.

(9) 5 East, 254.

(10) 1 Ld. Raym. 581.

(11) 1 Ibid. 583.

(12) Ry. & Moo. Cr. Ca. 151.

the defendants' favour, as it was not decided, or even objected, there, that the indictment should state that the defendant's intent was to take game in the particular closes. In *The King v. Capewell* (13), the prisoner was convicted on a count which did not state the intent to kill game in the particular close.

*Gunning*, in reply.

*Cur. adv. vult.*

The judgment of the Court was now delivered by—

LORD DENMAN, C.J.—In this case many important matters were discussed in the argument; but there is only one point to which we find it necessary to advert—the defendants' plea cannot be supported, unless the conviction is good in point of law. The plaintiff contends, that it is invalid for want of setting forth that he entered the close with intent to kill game *there*. The defendants' learned counsel admitted, that the conviction as laid could only have been proved by evidence of the intent shewn to kill game there; but he argued, that the statement in the conviction of the offence in the terms of the act creating it was sufficient, although more might be necessary to be proved by the evidence. This proposition is undoubtedly too extensive. The rule laid down in *Paley on Convictions*, that it is sufficient to follow the words of the act, unless the offence be of a complicated nature, is open to two objections: it does not rest upon any authority, nor does it furnish any criterion by which Justices of the Peace or this Court can discover what cases are thus comprehended. In favour of the defendants' general proposition, *The King v. Marsh* was cited, where Littledale, J. in the course of his judgment observes, that, "generally speaking, it is sufficient in an indictment or a declaration founded upon a statute to pursue the words of the statute," which is undoubtedly true, but imports that there are cases in which it would not be sufficient. The decision there, which dispenses thus with the word "knowingly," and the statement of the want of qualification in the defendant, in a conviction for the possession of game, appears to be founded on the defendant's trade, and the duty imposed on him by the act as a carrier.

(13) 5 Car. & Pay. 549.

In *James v. Phelps* (14), which was an action on the case for a malicious prosecution, where the defendant had indicted the plaintiff for felony, in obstructing the working of a mine, some members of the Court expressed an opinion, that an obstruction not wilful or with knowledge could not amount to a felony on general principles; and I well remember, although the words are not reported, that it was not stated that *The King v. Corden* (15) was a distinct and pointed authority, for the purpose of shewing that the words of the act are not universally all that must appear on the conviction. There, the charge was for fishing in a brook. It was held bad for want of negation of the owner's consent; and the same argument here resorted to would have supplied that defect, and was pressed on the Court, who said, however, "the offence intended in the conviction is fishing in the fishery of Mr. Hayne, being private property. But all this might be done, for aught that appears upon this conviction, with the consent of the owner. The fact ought to appear, so that the Court may be able to judge whether the conviction be agreeable to law. If the owner had been the complainer, that would have shewn his dissent: but this conviction is upon the complaint of Martha Buxton; and it does not appear that the defendant had been guilty of fishing in any water being private property, without consent of the owner." As in that case, the consent of the owner was required to be negated in the conviction, so in the present, the necessity of its alleging an intent to kill game *there*, is deduced from the enormous consequences which would otherwise follow; for it cannot be disputed, the omission would leave any man open to a summary conviction as an offender against the 9 Geo. 4. c. 69. s. 1, who shall enter the land of another, at an early hour during that period which the statute defines as the night-time, with the intent to pass over such land, in order to arrive at preserves of his own, and there shoot his own pheasants. The conviction states, in the terms of the act, that the plaintiff entered the close unlawfully; but we do not

know in what sense that word is used. The Justices of the Peace may have thought it unlawful to enter into the close with the remotest purpose of killing game, or they may possibly mean that the entry was unlawful as a trespass on the land of another. If such was their meaning, the fact ought to have been averred; and if that ground of illegality was held essential to the offence, the decision in *Corden's case* would prove the absence of the owner's acquiescence ought also to be averred. Two cases which occurred at the assizes, before two of my learned Brothers, were cited—*The King v. Gainer* and *The Queen v. Davis*. In the former, the indictment, framed on section 9. of the same act, alleged, that the defendants entered a wood, armed, with intent to kill game *there*. My Brother Coleridge held that strict proof of that precise intent was requisite, observing, that although they intended to kill game in every other cover in the country, that indictment could not be proved without shewing the other intent also. It was not holden, or even argued, that the word *there* would be rejected as surplusage. The other case occurred before my Brother Patteson, who held, in the first place, the arming of one of the party was not the arming of all, so as to satisfy an indictment on the same section. This, alone, secured the defendant's acquittal; and there was no absolute necessity for inquiring whether the intent must be to kill game in the place entered; but the learned Judge pointed out the deficiency of such proof, as fatal to the prosecution. There are, however, strong reasons for dispensing with such allegation of intent in the description of the offence, in misdemeanours which do not apply to an offence made the subject of summary conviction. In the former case, the mischief, against which the act appears to be directed, is danger to the public peace, produced by the assemblage, in the night, of armed numbers, in pursuit of game: the place where the game is to be killed is wholly immaterial; and it is not impossible that the cases now stated may deserve more consideration. But when the thing denounced by law is the entry of a close for the purpose of killing game, the words in themselves carry, in an ordinary sense, the impression, although they do not necessarily

(14) 11 Ad. & EL 483; s. c. 9 Law J. Rep. (N.S.) Q B. 106.

(15) 4 Burr. 2279.

purport, that the intention is to kill the game *there*; and the probable result of not so restricting the sense of the clause has been already pointed out as too monstrous to have been contemplated. The learned counsel, indeed, admitted on the argument the sense ought to be so restricted, and that it is in fact so restricted by the very words employed in the statute; and hence the omission objected to makes no difference. A doubt was felt on the Bench whether that admission was not too large. On reflection, it seems to us to be no more than the principle of former cases requires, that principle being when a certain act is made punishable by summary conviction, which act may be lawful, if performed under certain circumstances, these circumstances ought to be negatived in the conviction. None of us doubt that when the proof must negative such circumstance, the allegation in the instrument of conviction ought to do the same. This principle is well expressed on a similar, although not exactly the same, occasion in *The Queen v. Baines* (16). Proceedings in cases of this nature, which are to deprive a man of his freedom in a summary way, without letting him be tried by his peers, are always construed strictly, and never supplied by intendment of matter which does not appear on the face of them. Our judgment must, therefore, be in favour of the plaintiff.

*Judgment for the plaintiff.*

1845. { THE QUEEN v. THE INHABIT-  
Jan. 25. { ANTS OF ST. LAWRENCE,  
APPLEBY.

*Tenement, Settlement by—Joint Occupation—6 Geo. 4. c. 57.*

*A renting and occupation of a house and land by two joint tenants, the rent paid for the land alone being 20l. a year, gives each of the joint tenants a settlement under the 6 Geo. 4. c. 57. s. 2.*

On an appeal against an order of two Justices, for the removal of Mary Liddle, widow of George Liddle, and her five chil-

dren, from Pollard's Lands, in the county of Durham, to St. Lawrence, Appleby, in the county of Westmoreland, the Sessions confirmed the order, subject to the opinion of the Court upon a case, which stated, that George Liddle (the husband of the pauper,) and Robert Spence had, in February 1829, taken a lease from J. S. of a farm, in the appellant parish, consisting of a separate and distinct dwelling-house, and seventy acres of land, for three years, at the annual rent of 76l., and that they continued jointly to rent and occupy the same for three years, and paid the rent for the same. George Liddle, during the said three years, resided and slept in the house, which was worth about 16l. a year. The land, independently of the house, was worth 60l. a year. The question for the opinion of the Court was, whether George Liddle gained a settlement in the appellant parish by such renting and occupation. If so, the order of Sessions was to be confirmed; if not, to be quashed.

*Watson*, in support of the order of Sessions, was stopped by the Court.

*Archbold*, contra.—By the stat. 6 Geo. 4. c. 57. s. 2, it is enacted, that "no person shall acquire a settlement, by reason of renting any tenement, unless such tenement shall consist of a separate and distinct dwelling-house or building, or of land, or of both, *bond fide* rented by such person, for the sum of 10l. a year at the least," &c. The words "separate and distinct" apply as well to land as to a dwelling-house or building. Here, George Liddle occupied both the house and the land jointly with Spence. No joint occupation of land, or of a house and land, will confer a settlement under this statute.

LORD DENMAN, C.J.—The point does not admit of doubt. The act of parliament has studiously avoided doing the very thing which the appellant argues it has done. To gain a settlement under the statute, by renting a dwelling-house, the dwelling-house must be separate and distinct. The land need not be so.

PATTESON, J. and COLERIDGE, J. concurred.

*Order of Sessions confirmed.*

BAIL COURT.

1845. } *In re JENNINGS AND ANOTHER.*  
Jan. 25. }*Criminal Information—Overseers.*

*The Court refused a criminal information against overseers for endeavouring to induce paupers fraudulently to remove to another parish, the ordinary remedy being by indictment.*

*Pashley* moved for a rule, calling upon Robert Jennings and William Pexton, overseers of the poor for the township of Storwood, in the East Riding of the county of York, to shew cause why a criminal information should not issue against them for alleged misconduct towards certain paupers, Wilson Alison, his wife, and four children. He applied, upon affidavits, stating that the paupers were chargeable to Storwood, which was a township maintaining its own poor, and that an order of removal had been obtained by the overseers of Storwood, removing the pauper, W. A. and his family, to the parish of Sutton-upon-Derwent, in the East Riding of the same county, which was quashed upon appeal to the Quarter Sessions, in July 1844. A subsequent order, removing the paupers to the same parish, was made on the 14th of September 1844, but no copy was ever served upon the parish of Sutton-upon-Derwent. That the pauper Alison being thereupon turned out of a house which he had previously occupied, applied to the overseers, Jennings and Pexton, for relief, which they refused to give. The affidavits then stated various attempts on the part of the overseers to drive the paupers out of Storwood, and to induce them fraudulently to remove themselves to the parish of Sutton-upon-Derwent, for the purpose of fixing that parish with their support; that Pexton, who was also a publican, had refused the pauper and his family admittance and shelter in his house, alleging that he had nothing to do with them; that various inhabitants of Storwood had driven them away from their houses, on the ground that they did not dare to offend Jennings, who, besides being overseer, was the principal person in the township; and that one Padget, who was then in Jennings's service, had turned the pauper's wife and family out of his house at night, by his master's orders.

NEW SERIES, XIV.—MAG. CAS.

[WILLIAMS, J.—Is there any instance of the Court having granted a criminal information against overseers, for misconduct in their office? The offence is notoriously the subject of an indictment.]

In *The King v. Herbert* (1), an information was granted against overseers for procuring the marriage of a woman, in order to change her settlement. So, in *The King v. Tarrant* (2), for procuring a pauper to marry another pauper, who was with child of a bastard. Where overseers procured a soldier to marry a pauper idiot, who was chargeable to their parish, an information was granted—*The King v. Watson* (3). In 2 *Nolan's Poor Law*, p. 371, it is stated, "Overseers may be punished for most breaches of their duty, by information or indictment." The principle which was laid down in *The King v. Barrat* (4) is applicable to the present case, and the overseers may come and shew what their motives were in acting as they did; besides, it is much more convenient, and productive of less expense, that this matter should be settled by this Court, than by a Court of gaol delivery. He also referred to 1 *Russell on Crimes*, p. 52. (Greaves' edit.)

WILLIAMS, J.—If these overseers have persuaded themselves that they are beyond the reach of the law, they may chance to find themselves mistaken, provided the facts make out such a case against them as has been stated. But the single question which I have to decide is, whether there is any sufficient reason shewn for my interfering in the unusual mode suggested, namely, by granting a criminal information. I pronounce no opinion upon the facts of this case, appearing as they do before me merely upon an *ex parte* statement; but supposing that statement to be correct, the conduct of these persons is certainly punishable by indictment. That is the ordinary course of proceeding, and an information is only granted where an extraordinary remedy is required; and I have always understood that one at least of the chief ingredients in an application of this nature ought to be, the necessity of a prompt interference, in order to prevent a breach of the peace. I

(1) 2 Ld. Kenyon, 466.

(2) 4 Burr. 2106.

(3) 1 Wils. 41.

(4) 2 Dougl. 465, a.

cannot see anything which seems to call for this extraordinary interference here. If, indeed, Mr. Pashley had made out that if this application were granted the proceedings would have been lighter or less expensive to the pauper, that might have been a strong argument with me for granting it; but it seems to me that the expense will be identically the same, even supposing an indictment found at the assizes were removed, as it probably would be, into this court, when it would be sent down as a *Nisi Prius* record for trial. I see no reason, therefore, for taking this case out of the ordinary course of proceeding by indictment, and must therefore refuse the rule.

*Rule refused.*

1845. }  
Jan. 19, 22; } THE QUEEN v. THE TRUSTEES  
Feb. 12. } OF TAUNTON MARKET.

*Poor-rate—Rateability—Beneficial Occupation—Statute—Constructive Incorporation of earlier into subsequent Statute by words of reference.*

*By a local act, 8 & 9 Geo. 3. c. xlv. trustees therein appointed were empowered to purchase certain land, and to convert it into a place for holding a market in the town of T, and for erecting a market-house; and it was provided that the trustees should stand seised of the land, buildings, &c. in trust, first, to pay the expenses of obtaining the act; secondly, to pay off all debts incurred in the purchase of the ground and erecting the market, and also all expenses incurred in providing and lighting lamps in certain streets in the said town, and purchasing the stalls, &c., and certain mortgages authorized by the act, and the interest thereof; and after the discharge of the same the market and the rents and profits thereof should be and remain an estate for the use and benefit of the parish of M, in the said town of T. for ever, and should and might be applied by the said trustees to the clothing, educating, and placing out apprentices of the children of the poor inhabitants of M.*

*Section 26. of this act provided, that the share and proportion which these premises contributed to the poor-rate in 1768, should be for ever paid by the trustees in respect thereof. Under this act a market was erected in the parish of M.*

*By a subsequent local act, 57 Geo. 3, the trustees were empowered to purchase other lands for the purpose of enlarging the market, and it was provided that the act first mentioned, and all and every the authorities, powers, &c. matters and things therein contained, except such as should be thereby varied, altered, or repealed, or as were repugnant to or otherwise provided for by that act, should be in full force and effect as effectually as if they had been repeated and re-enacted in the body of that act.*

*Under the latter act the trustees purchased land and buildings within the parish of B, and converted them into a butcher market, and occupied all the premises, and collected tolls by means of a clerk. No surplus revenue had ever existed after paying the annual expenses and interest on the mortgages.*

*Held, first, that the trustees were liable to be rated to parish B. for the market-building, stalls, &c. in that parish.*

*Secondly, that the clause 25. of the former act was not incorporated into the latter, so as to limit the proportion of rate in the buildings in the parish B.*

On an appeal against a rate made for the relief of the poor of Bishop's Hull, in the county of Somerset, whereby the appellants were rated as owners and occupiers of a certain building called a market-place, and certain butchers' stalls in the parish of Bishop's Hull, the Sessions confirmed the rate subject to the opinion of the Court, on a case, which stated, that by an act of parliament, 8 & 9 Geo. 3. c. xlv., intituled 'An act for erecting a market-house and holding a market in the town of Taunton, in the county of Somerset, and for preventing the holding of any market in the streets of the said town, and for cleansing the streets and preventing nuisances and obstructions therein, and for lighting certain streets in the said town,' the trustees therein appointed were empowered to purchase certain ground and buildings therein described, situate within the said town of Taunton, and to convert the said ground into a place for holding the said market, and for erecting a market-house. And it was thereby enacted (sect. 21.) "that all lands, tenements, and hereditaments to be purchased by virtue and under the authority of that act for the site of the said market as aforesaid, and all buildings, houses, sheds,

stalls, standings, and other erections to be built or set up thereupon, and the rents and profits arising from the same, should be and were thereby vested in the said trustees and their successors for ever, and that they should stand seised thereof in trust for the several uses, intents, and purposes thereafter mentioned and declared concerning the same; that is to say, that the said trustees should out of the first monies to be borrowed or raised by any ways and means under the authority of the act, pay and discharge the costs and expenses of obtaining and passing that act; and should, in the next place, pay off and discharge all debts that should be incurred by the purchase of the said lands, tenements, and hereditaments, and the ground whereon to erect the said market and buildings; and all such charges and expenses as should necessarily attend the erecting and constituting the same; and also the expenses of erecting, maintaining, and lighting of lamps in certain streets in the said town therein particularly mentioned; and also the expenses of purchasing the stalls and standings erected in the then present market on market days, thereinbefore directed to be purchased by the said trustees; and also certain mortgages by the said act authorized to be made by the said trustees as thereinbefore mentioned, and the interest thereof, so long as any of them should remain unpaid; and after the discharge of the same, and of all debts accrued on account of the said market and buildings, the said market and buildings, and the tolls, rents, and profits thereof or arising thereby, should be and remain in the said trustees in trust as an estate for the use and benefit of the parish of St. Mary Magdalene, in the said town of Taunton, for ever; and should and might be applied by the said trustees to the clothing, education, and placing out apprentices of so many of the children of the poor inhabitants of the said parish of St. Mary Magdalene, as the said trustees should from time to time direct or appoint."

Section 25. provided, "that the share and proportion which the several grounds, houses, and buildings which should be vested in the said trustees by virtue of that act, did contribute or pay, or was or were charged with towards the land-tax, church, and poor-rates in the year 1768, according to the rents of the same as they were then rated, should be

for ever paid to the collector or collectors, and other proper officer or officers authorized to receive the same, by the said trustees; and the said trustees should for ever thereafter be charged with and liable to the payment thereof; and such payments as aforesaid should be in lieu of all taxes, rates, or any impositions of what kind or nature soever to be paid in respect of the said market-house and other houses and buildings to be erected by virtue of the said act."

In pursuance of the said act the trustees of Taunton market, in the year 1768, purchased the grounds and buildings mentioned in the said act, and erected a market and market-house on the said ground, all in the parish of St. Mary Magdalene, Taunton.

In the year 1817, the trustees, finding the market was not sufficiently large, obtained an act, 57 Geo. 3. c. lxxv., intituled 'An act for enlarging the market-place, and regulating the market in the town of Taunton, in the county of Somerset, and for better lighting, cleansing, and otherwise improving the said town; and for amending an act of his present Majesty relative thereto,' by which it was enacted (sect. 1), that it should be lawful for the trustees to treat, contract, and agree with any person or persons who should be willing to sell the same, for the purchase of any messuages, houses, buildings, gardens, and other ground within 1,000 yards of the site of the said then present market; and, after purchasing the same, to appropriate a competent part thereof for enlarging the market for the sale of cattle, swine, and any other beasts, articles, and things, and for any other purposes of the said market; and that from and after the said additional ground should be so set out for the purposes of the said market, the same should be deemed and taken as part of the then present market-place to all intents and purposes."

It was further enacted (sect. 24), "that the said recited act, 8 & 9 Geo. 3. c. xlv., and all and every the authorities, powers, provisions, regulations, clauses, matters and things therein contained, except such of them as were thereby varied, altered or repealed, or as were repugnant to, or otherwise provided for by that act, should be in full force and effect, and should extend to, and be practised, applied, and put in execution for effecting the purposes of that act as fully and effectually, to all intents and purposes,

as if all such authorities, powers, provisions, regulations, clauses, matters, and things therein contained were repeated and re-enacted in the body of that act with relation thereto."

The trustees, under the authority of the last act, purchased land and buildings situate within the parish of Bishop's Hull, within 1,000 yards of the site of the old market, and within the town of Taunton, and converted the same into a butchery or butcher market, being the premises in question.

The trustees are occupiers of the premises, and collect by means of their clerk and agents the tolls and money paid by those who frequent the market in respect of the butchery, and the stalls therein.

There is a debt of 18,000*l.* charged by way of mortgage on the tolls of the market at 4*l.* 10*s.* per cent. interest upon certain instruments or deeds-poll (a copy of one of which accompanied the case). Some of these securities are held by three of the trustees rated, and the latest date of any of them is 1833.

At Christmas 1843, there was a balance of 359*l.* 4*s.* 8*d.* due to the treasurer of the trustees upon the balance of account, which balance has been in some years greater, and in some less, and has become due by reason of monies having been from time to time advanced by him to defray the current expenses of the market, but the same is not charged by mortgage upon the tolls of the market. The revenue of the market is in most years sufficient to meet the annual expenses of the market, together with the interest of the debts above mentioned, but no surplus has ever existed after payment of the said expenses and interest, and no part of the mortgage debt above mentioned has yet been paid off.

Part of the houses and buildings standing on so much of the site of the market as is in the parish of Bishop's Hull, was, in the year 1817, rated to the relief of the poor of the said parish, thus: "Messrs. Brigdale & Co.—Bank 15*s.*" The remaining part of the said houses and buildings was not rated in the said year.

No evidence was given of any rate charged upon the said premises in the year 1768, nor of the rateable value of the property, nor of any part thereof, nor of any rent paid for the same in that year.

The two acts above mentioned of 8 & 9 Geo. 3. c. xliv. and 57 Geo. 3. c. lxxv. were to be taken as forming part of the case.

The rateable value of the premises in question was correct, supposing the trustees to be rateable for the same, according to the 6 & 7 Will. 4. c. 96.

At the trial of the appeal the trustees contended, first, that they were not rateable at all, inasmuch as they had no beneficial occupation of the property rated, the tolls and monies arising therefrom being entirely devoted to the purposes specified in the said acts for the regulation of the market; secondly, that if rateable at all in respect of the said buildings, they were rateable only in one of the following ways: first, according to the share and proportion which the land and buildings taken by them under the act 57 Geo. 3. c. 65. did contribute or pay, or were charged with towards the poor-rate in the year 1768, according to the rents of the same as they were then rated, or, secondly, according to the share and proportion which the said land and buildings did contribute or pay, or were charged with towards the poor-rate in the year 1817, according to the rents of the same as they were then rated.

If the Court should be of opinion that the trustees were not liable to be rated, or were rateable only in the proportion which the land and buildings taken by them under the said act, 57 Geo. 3. c. lxxv., did contribute or pay, or were charged with towards the poor-rate in the year 1768, according to the rents of the same as they were then rated, the order of Sessions was to be quashed, and the rate amended by striking out the names of the trustees. If the Court should be of opinion that the said trustees were rateable only in the proportion which the land and buildings taken by them under the said act, 57 Geo. 3. c. 65, did contribute or pay, or were charged with towards the poor-rate in the year 1817, according to the rents of the same as they were then rated, the rate was to be amended by substituting 15*l.* as the rateable value of the market-house and buildings, and 6*s.* 3*d.* as the rate thereon. If the Court should be of opinion that the trustees were rateable for the said premises according to the 6 & 7 Will. 4. c. 96, the order of Sessions was to be confirmed.

Moody (with whom was Phinn), in support of the order of Sessions.—Two points

are raised by the appellants in this case. With respect to the first, it can hardly be contended that the trustees are not liable to be rated at all, when the 25th section of the act expressly recognizes such liability. Besides, it is clear that there is a pecuniary benefit and return in the hands of the trustees. The distinction between public and charitable purposes, in the application of the funds, as affecting the question of rateability, is now fully established—*The King v. St. Giles, York* (1), *The Queen v. Sterry* (2). Then it appears from the case that the premises, if let, would produce a rent, and the application cannot be treated as one for a charitable purpose, as it is a trust for the benefit of another parish—*The Governors of the Poor of Bristol v. Wait* (3), *The Queen v. the Wallingford Union* (4). Those cases are not distinguishable in principle from the present. Here the original mode of occupation was by letting the stalls, &c. to butchers, in which case the butchers would have been rateable if the letting was by the month or year. If the whole market were let to a tenant, such tenant would be rateable. It may, perhaps, be contended, that the premises being encumbered by the debt, no profit is at present derived from them, but *The Queen v. the Blackfriars Bridge Company* (5) is an answer to this objection. All that can be said is, that the profit is received by the mortgagees. This is not an occupation for the benefit of the public, as in *The King v. the Inhabitants of Liverpool* (6), and *The King v. the Trustees of the Weaver Navigation* (7). In the first of those cases there was a distinct enactment that the dock duties should be applied only in repairing and maintaining the docks, and "to no other use or purpose whatever." Secondly, as to the amount of the rate. The clause 25. of the first act cannot be considered as re-enacted in the second. It

is ambiguous and "repugnant" to the former act.

[WIGHTMAN, J.—It might raise a difficult question of fact, but I do not see how it is termed ambiguous, or that it is repugnant to the latter act.]

The Court will put such a construction on it as is most consistent with the other provisions and with the law—*The Queen v. the Monmouthshire Canal Company* (8), *The Queen v. the Leeds and Liverpool Canal Company* (9), *The King v. the Birmingham Canal Company* (10). This is the act procured by the trustees, and will be construed most strongly against them.

*Cockburn (Kinglake, Serj., Carey, and Carrow were with him), contra.*—There is here no beneficial occupation by the trustees, and the tolls are appropriated by the act to public purposes; the case, therefore, falls within the principle of *The King v. Terrott* (11). In that case Lord Ellenborough says, "If the party rated have the use of the building, or other subject of the rate, as a mere servant of the Crown, or of any public body, or in any other respect for the mere exercise of a public duty therein, and have no beneficial occupation of or emolument resulting from it in any personal or private respect, then he is not rateable." Another leading case is *The King v. the Commissioners of Salter's Load Sluice* (12). Here the trustees have no power beyond that which is given by the act, and cannot apply the tolls to purposes of their own. Where then is the beneficial occupation? The whole amount raised is disposed of under the act of parliament—*The King v. the Commissioners for Lighting Beverley* (13).

[COLERIDGE, J.—If the act of parliament had authorized the trustees to put the money into their own pockets, it would hardly be said that they were not rateable, and yet they would dispose of the money under the act. It is not uncommon to provide that a portion shall be devoted

(1) 3 B. & Ad. 573; s. c. 1 Law J. Rep. (n.s.) M.C. 60.

(2) 12 Ad. & El. 89; s. c. 9 Law J. Rep. (n.s.) M.C. 105.

(3) 5 Ibid. 1; s. c. 5 Law J. Rep. (n.s.) M.C. 113.

(4) 10 Ibid. 259; s. c. 8 Law J. Rep. (n.s.) M.C. 89.

(5) 9 Ibid. 828; s. c. 8 Law J. Rep. (n.s.) M.C. 29.

(6) 7 B. & C. 61; s. c. 5 Law J. Rep. M.C. 145.

(7) Ibid. 70; s. c. 5 Law J. Rep. M.C. 102.

(8) 3 Ad. & El. 619.

(9) 7 Ibid. 671; s. c. 7 Law J. Rep. (n.s.) M.C. 41.

(10) 2 B. & Ald. 570.

(11) 3 East, 506.

(12) 4 Term Rep. 730.

(13) 6 Ad. & El. 650; s. c. 6 Law J. Rep. (n.s.) M.C. 84.



to a public purpose, and the rest to the private benefit of particular parties.]

In *The Queen v. the Justices of Worcestershire* (14) the Justices were held not rateable as occupiers of the Judges' lodgings; and Lord Denman, C.J. there says, "The only profit which the whole body derives is applicable to a public purpose, and for such profit they are not rateable." The same distinction was also taken in *The Queen v. the Mayor of Liverpool* (15), where all the authorities are reviewed; that case was followed by *The Queen v. the Inhabitants of Exminster* (16), where the corporation of Exeter was held not to be rateable, though the property was situate without the borough. In *The Queen v. the Blackfriars Bridge Company* there were shareholders who were empowered to take tolls to reimburse themselves. Are those purposes to which the tolls are to be applied in this case public purposes? It cannot be disputed that the erecting of the market, lighting lamps, and paying the expenses and debts, are public purposes within the cases already referred to; but it is said that the ulterior object is the benefit of the poor of St. Mary Magdalene. As to that, there is no surplus applicable to this purpose at present. Suppose there had been a similar ulterior object in *The King v. the Commissioners for Lighting Beverley*, would the decision have been different? This provision brings the case within *The King v. the Inhabitants of Liverpool*, and *The King v. Waldo* (17).

[COLERIDGE, J.—Where there is a trust for poor persons not receiving parish relief, are not the trustees rated?]

In *The Queen v. Wilson* (18), a rate on the treasurer of the London Missionary Society was held bad by reason of there being no beneficial occupation by him.

[PATTESON, J.—According to your argument trustees who managed a farm for the benefit of infant *cestui que trusts* would not be rateable.]

The educating of the poor is a public pur-

(14) 11 Ad. & El. 57; s. c. 9 Law J. Rep. (n.s.) M.C. 17.

(15) 9 Ibid. 435; s. c. 8 Law J. Rep. (n.s.) M.C. 41.

(16) 12 Ibid. 2; s. c. 9 Law J. Rep. (n.s.) M.C. 108.

(17) Cald. S.C. 358.

(18) 12 Ad. & El. 94; s. c. 9 Law J. Rep. (n.s.) M.C. 100.

pose, as it is not strictly within the duty of the parish officers. That distinguishes this case from that of *The Governors of the Poor of Bristol v. Wait*. But, secondly, the trustees are only rateable according to proportions charged on the premises in the year 1768. It is contended that the enactment is ambiguous, and the case of *The King v. the Birmingham Canal Company* is referred to, to shew the difficulty and hardship resulting from the proposed construction. This Court, however, will not go into the question of the difficulty there may be in rating in any particular manner; that is a question for the Sessions. The parish officer may always refer to the old rates; they are public documents, and the overseers are bound to keep them. Besides, with respect to part of the property, namely, that taken under the earlier act, it is clear that it must be done; and why can it not be done just as well with respect to that which is taken under the second?

Moody, in reply.

Cur. adv. vult.

The judgment of the Court was afterwards delivered by—

LORD DENMAN, C.J.—One point to be decided in this case is, whether a clause in the 9 Geo. 3. c. xlv. is to be considered as re-enacted by, and introduced into the 57 Geo. 3. c. lxx.; and if that should be determined in the affirmative, it will not only settle the question of rateability, so largely discussed at the bar, but will also determine the principle on which the rating is to proceed. It will be convenient, therefore, to consider that question first.

The latter act provides that all clauses in the former, which are not, by the latter, varied, altered, or repealed, nor repugnant to, nor otherwise provided for, shall be in full force and effect, and shall extend to and be applied for effecting the purposes of the latter, as fully as if they had been repeated and re-enacted in the body of the latter with relation thereto.

Except, therefore, in the excepted cases, the clauses of the former act not only remain in force, but are extended and applied to carrying the latter into effect, as fully as if expressly repeated in it. The clause in question does not fall within any of the exceptions, unless it is repugnant to some-

thing in the latter statute, and it is difficult to contend this; it relates to the rating of property taken under the powers of the act in which it is found; but in the latter statute there is no rating clause provided in any form, nor any clause from which it can be directly inferred that the trustees are not to be rateable at all; and there can, therefore, be no repugnance between the two statutes in this respect in any strict sense of the term; nor does it amount to repugnance, that there may be some difficulty in the application, or some inconvenience and hardship resulting to the respondent parish from its being so applied, although these considerations will have their weight in the argument that it was never intended to be so applied. This remark, however, does not entirely conclude the matter. Upon general principle and authority it may be still open to the respondents to contend that large as those words are, and the exception being excluded, still the clause in question is not within the operation of the re-enacting clause. The clause itself is of a peculiar kind: passing over some minor difficulties which the language might present, it provides, that the property to be vested in trustees under the act shall for ever pay the same share or proportion towards the land-tax, church and poor-rates, which it paid in 1768, according to the rents of the same as it was then rated. In terms, this fixes not the amount of the assessment, but the share and proportion which it is to contribute and pay towards the general rate. And this is neither an unusual nor an inequitable provision. The land was about to be devoted to purposes which it was conceived would be greatly beneficial to the parish, and if its own value should be thereby increased beyond that of the surrounding property, as a consideration of that benefit, the former proportion in rating it was still to be preserved. The occupiers, generally, must be taken to have agreed that the then existing proportion was a fair one in the then state of things, and to agree to its continuing for ever under any alterations which the statute might occasion: still it is obvious that the provision is in its nature of a special and limited kind, difficult to extend in its application beyond the time and place; for what was fair with reference to the same parish, and at the

time of the act passing, may be most unjust when applied in another parish fifty years later, as some change of circumstances may, and, in the present case, must unquestionably prevent its application with any tolerable accuracy.

Who can now tell whether the land taken by trustees, in the year 1817, was fairly rated in the year 1768?—Who can tell or how can it be ascertained what was the amount of the assessment on it then, or what proportion it bore to the general rate on the parish. See the observation of the Judges on a similar clause, in the *Monmouthshire Canal case*. These considerations make it almost impossible to suppose that the framers of the latter statute intended to incorporate the clause in its terms. They probably intended to do the same with regard to the rates of 1817, which the former act had done with regard to those of 1768; but there are no words sufficient to carry into effect this intention. It is a sound rule of construction, laid down in the *Second Institute*, p. 287, applicable to modern as well as to ancient statutes, perhaps more so, of necessity, in consequence of the looseness of expression which now prevails—that, in the construction of one act of parliament, with reference to another, we must give to the general words of reference such a meaning only as will stand with reason and with right; and when a provision is, in its original and natural application, limited in respect to time and place, it is to give to general words of incorporation a meaning contrary to reason, and it may be, as it is in this case, contrary to right, to hold they apply to it. There is an authority for a more restrained construction in *The King v. the Justices of Surrey* (20), not cited in this argument; the question was, whether an appeal lay against a conviction, by two Justices, under the 25 Geo. 3. c. 72. s. 9, and that depended on the construction to be given the 33rd section of the act, which in the largest terms incorporated all the clauses, matters, and things provided by the 12 Car. 2. c. 24. “or any other law then in force, for securing, managing, &c., mitigating, recovering, adjudging, or ascertaining the duties or penalties thereby granted.” There is no doubt those words

were large enough to incorporate a former appeal clause, but upon a review of all the statutes, the Court thought it was not intended to give an appeal against the decision of two Justices; and, in delivering the judgment, Ashurst, J. laid down something like a general rule. He said, "The fair construction of the clause of reference seems to be this, that all the *general* powers and provisions given and made in an act *in pari materid*, shall be virtually incorporated into this; but that such provisions as are always considered as special provisions shall not. The power of appealing from the judgment of Justices seems to be of this kind, and does not attach without its being expressly given." This is certainly a much more special provision, as it appeared in the earlier act, and which it was more unreasonable to apply generally; and we think, therefore, we are justified in putting such a limitation on the very general words of the clause of reference, as shall prevent them from applying to this provision.

It becomes, therefore, necessary to consider the general question of the rateability of land, and this, although largely debated at the bar, does not require a very long discussion, for the principles upon which it is to be determined are well settled. Whatever difficulty exists in coming to a conclusion, turns upon the application of the facts; and in this case we think there are one or two circumstances of a decisive character. The principles are these:—To make rateability, there must be occupation beneficial in its nature, that is, of a subject-matter producing a valuable return, although not necessarily profitable in any given year, on a balance sheet of profit and loss. When such an occupation is established, the occupier is rateable in respect of it, unless he is merely a trustee for the public, receiving no individual benefit, except in common with and as one of the public; in such a case the law does not regard him as occupier, but the public whom he represents. These principles are so well settled, that it is unnecessary to cite the authorities which have established them; and they are unambiguous and certain in their application, except for one question, and that is what is the meaning of the word "public"? Upon this, as might be expected, the cases are many, and the dividing line not always easy to be

preserved. On the one hand, the trustees of dock estates, who receive large rates and duties wholly applicable to the construction and maintenance of docks and basins in a great public harbour, according to the case of *The King v. Liverpool*,—the trustees of a river navigation, where all the surplus of the rates and duties after making and maintenance was applicable only to the repairs of public bridges of the county, and such other charges as the county Magistrates in Quarter Sessions should order,—the municipal corporation of a borough, receiving town and anchorage dues, payable to the treasurer, and applicable under the 5 & 6 Will. 4. to certain specified public purposes, with a provision as to any surplus, that it should be applied under the direction of the town council, for the public benefit of the inhabitants and the improvement of the borough; as in *The Queen v. the Mayor of Liverpool*,—these have been held not rateable, and it was considered to be no ground for distinction in the last of the decisions, that the property in respect of which the rate was imposed, was locally situate in a parish out of the borough—as was held in *The Queen v. Exminster*. On the other hand, the governors of the poor of the city of Bristol, occupying land in a parish out of the city, and there lodging and employing their paupers, (5 *Ad. & El.* 1.) and the guardians of the union comprising many parishes, who built and occupied a workhouse in one of them, in which were lodged and employed the paupers of all the parishes—(10 *Ad. & El.* 259)—were held respectively liable for their occupation, and the latter case was considered not distinguishable from the former, by the circumstance that the land was in one of the parishes comprising the union. It is unnecessary to advert to more cases, our business now is rather to see within which class the facts of this case bring it, than to justify the distinctions taken between them. At the same time we may remark, that in all the first class, the public as such, unlimited by the bounds of the county, borough, or parish, had a substantial and direct interest in the benefit which the application of the fund produced; in the latter, the rate-payers, or at most the inhabitants of certain parishes, were alone concerned in the benefit, direct or indirect.

It seems to us clear, that the facts here

shew that the case falls within the latter class. It appears that the proceeds of the property occupied are applicable, after payment of the purchase-money, the expense of the market, and the lighting of certain streets, as an estate to the use and benefit of the parish of St. Mary Magdalene, in the town of Taunton, and that the mode of benefiting it is to be by clothing, educating, and placing out as apprentices the children of the poor inhabitants. Whether the term "poor inhabitants" is limited to such as receive relief or not, we are unable to distinguish this in principle from the Bristol case. To the public, properly so called, it matters not by whom the poor children of this parish are clothed, educated and apprenticed; that they should receive anything beyond what the parish poor-rate is bound to afford them concerns the public so indirectly, that its interest cannot be considered as tangible and substantial enough to be regarded at all in this question.

We are, therefore, of opinion, that the order of Sessions should be confirmed. As in the *Wallingford* case, so here, we think it not necessary to make any observation on the intermediate cases of property voluntarily appropriated to religious and charitable purposes, for we decide this case as we did that, on the ground of this property being beneficially occupied, and not devoted to a public purpose, and that the occupiers are therefore subject in respect of it to the poor-rate. The order of Sessions will, therefore, be confirmed.

*Order of Sessions confirmed.*

[IN THE COMMON PLEAS.]

1845. }  
Jan. 24. } BARNES v. WHITE AND ANOTHER.

*Highway—Turnpike Roads—Conviction—Warrant—Statutes 3 Geo. 4. c. 126, and 4 & 5 Will. 4. c. 10.*

"An Act for amending the Roads and Highways in the Isle of Wight," 53 Geo. 3. c. xcii, local and personal, gave to the commissioners powers, not only over the turnpike roads, but all other highways in the island, and contained provisions as to various other matters besides the turnpike roads. The commissioners were empowered to borrow money on the tolls, but it was declared that

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the act should have continuance during the term of twenty-one years:—*Held*, that the statute was continued by 4 & 5 Will. 4. c. 10, and the subsequent statutes, so far as the turnpike roads were concerned.

A conviction, under 3 Geo. 4. c. 126. s. 41, adjudged that "the said B. hath forfeited for the said offence the sum of 2l. 2s.:"—*Held*, that it was not necessary that payment of the penalty should be adjudged.

The first-mentioned act empowered the commissioners to erect gates, bars, or turnpikes, and side-bars or side-gates in, upon, or across the several roads or highways in the island, and to demand and take tolls at the turnpikes, or toll-gates, or toll-houses, or side-bars or side-gates, which should be erected in, upon, across, or on the sides of the said roads, or any of them, by virtue of that act. By 3 Geo. 4. c. 126. it is declared, that if any person shall fraudulently or forcibly pass through any such toll-gate with any horse, &c., by reason whereof the payment of any toll shall be avoided, he shall forfeit any sum not exceeding 5l. A warrant of distress recited a conviction, which on inspection proved to be valid, and stated, that B. on &c., at &c., with a certain carriage did unlawfully, &c. pass through a certain toll-gate, by means whereof payment of a certain toll, to wit, &c., then and there legally due and payable by the said B, &c., in respect of the said carriage, was avoided, contrary to the statute in such case made and provided:—*Held*, that the word "toll-gate" was used in the statute as synonymous with "turnpike-gate," and that the warrant was sufficient.

The warrant stated the forfeiture, and the adjudication that the said B. should forfeit and pay the sum of 2l. 2s., and directed a distress to be made, and one moiety of the penalty to be paid to the informer, and the other moiety to the treasurer of the Commissioners for amending the roads and highways in the Isle of Wight:—*Held*, that a demand of the penalty was not necessary under 3 Geo. 4. c. 126, previously to issuing a distress warrant, and that the commissioners having jurisdiction over the whole of the roads in the island, the penalty was properly apportioned.

This was an action of trespass for breaking and entering the plaintiff's close, in the

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parish of Carisbrooke, in the Isle of Wight, and taking his goods, to which the defendants pleaded not guilty by statute.

The cause came on for trial at the last Summer Assizes, at Winchester, when a verdict was found for the plaintiff, subject to the opinion of the Court upon the following

#### CASE.

The defendants, at the time of making the conviction, and signing by them of the warrant of distress, and of the committing of the trespass complained of, were two of her Majesty's Justices of the Peace for the county of Southampton, acting in and for the division of the Isle of Wight.

On the 3rd of June 1843, the plaintiff having been duly summoned to answer an information in respect of the subject-matter of the conviction hereinafter mentioned, appeared before the defendants with his attorney, and objected that the local act, hereinafter mentioned, had expired, and that therefore the defendants had no jurisdiction to hear the complaint. The defendants overruled the objection, and proceeded to hear the case as set out in the conviction, and thereupon the plaintiff was convicted by the defendants, acting as such Justices, and of such conviction under the hands and seals of the defendants, the following is a copy:—

"Be it remembered, that on the 3rd day of June, in the sixth year of the reign of her Majesty Queen Victoria, and A.D. 1843, James Barnes, of the parish of Carisbrooke, in the Isle of Wight, in the county of Southampton, builder, is convicted on the oath of Charles Newnham, a credible witness, before us, two of her Majesty's Justices of the Peace, acting in and for the said county of Southampton, and for the division of the Isle of Wight, in the said county, for that he, the said James Barnes, on the 30th day of May now last, in the parish of Carisbrooke aforesaid, in the isle and county aforesaid, on the turnpike road, before then made, and then being under the authority of an act of parliament made and passed in the 53rd year of the reign of his late Majesty King George the Third, 'for amending the Roads and Highways in the Isle of Wight,' with a certain carriage, to wit, a cart drawn by one horse, did unlawfully, fraudulently and forcibly pass through a certain

toll-gate, then and there legally situate and being under the authority of the said act, by reason whereof the payment of a certain toll, to wit, the sum of 3d., then and there legally due, demanded, and payable under the authority of the said act, by and from the said James Barnes, for and in respect of the said carriage, so drawn as aforesaid, was avoided, contrary to the form of a statute made in the 3rd year of the reign of his late Majesty King George the Fourth, intituled, 'An Act to amend the general laws now in being for regulating turnpike roads in that part of Great Britain called England.' And we do hereby declare and adjudge that the said James Barnes hath forfeited, for the said offence, the sum of 2l. 2s.

"Given under our hands and seals the day and year first-above written."

(Signed and sealed by the defendants.)

The case then set out a written refusal by the plaintiff to pay this fine, whereupon the following warrant was issued:—

"Isle of Wight, in the county of Southampton.—To the constables of the Hundred of the West Medene, in the Isle of Wight, in the county of Southampton, and all other constables whom it doth or may concern, and specially to Thomas Hayter Case.

"Whereas James Barnes, of the parish of Carisbrooke, in the Isle of Wight, in the county of Southampton, builder, was, on the 3rd day of June now instant, convicted before and by us the undersigned, two of the Justices of our Lady the Queen, assigned to keep the peace of our said Lady the Queen, within the same county; and also to hear and determine divers felonies, trespasses, and other misdeeds within the same county done and committed, on the oath of Charles Newnham, a credible witness, for that he, the said James Barnes, on the 30th day of May now last past, at the parish of Carisbrooke aforesaid, in the isle and county aforesaid, with a certain carriage, to wit, a cart drawn by one horse, the said cart then and there having two wheels, and the fellies of such wheels being then and there of less breadth than three inches, to wit, of the width of two inches, did unlawfully, fraudulently, and forcibly pass through a certain toll-gate, then and there situate and being, by means whereof the payment of a certain toll, to wit, the sum of three pence, then and there legally due and

payable by and from the said James Barnes, for and in respect of the said carriage, so drawn as aforesaid, was avoided, contrary to the statutes in such case made and provided; by reason whereof the said James Barnes hath forfeited and become liable to pay, and we adjudged that he, the said James Barnes, shall forfeit and pay the sum of two pounds and two shillings, to be distributed as hereinafter mentioned, which said sum he, the said James Barnes, hath refused to pay. These are, therefore, in Her Majesty's name, to charge and command you to levy the said sum of 2*l.* 2*s.* by distress of the goods and chattels of the said James Barnes; and if within four days after such distress by you taken, the said sum, together with the reasonable costs and charges of taking and keeping the same, is not paid, then, that you do sell the goods and chattels, so by you distrained, and out of the money arising by and from such sale, you do pay one moiety of the said sum of 2*l.* 2*s.* to Mark Morgan, of Newport, in the same isle, who informed us of the said offence, and the other moiety thereof to the treasurer of the commissioners for amending the roads and highways in the Isle of Wight, being the place where the said offence was committed, returning the overplus, on demand, to him the said James Barnes, the reasonable charges of taking, keeping, and selling the said distress being deducted, and if sufficient distress cannot be found of the goods and chattels of the said James Barnes, whereupon to levy the said sum of 2*l.* 2*s.*, then that you certify the same to us, together with this our warrant. Given under our hands and seals, at the Guildhall, in Newport, in the Isle of Wight, this 10th day of June 1843.

"R. W. White, (L.S.)"

"T. Cooke, (L.S.)"

The case then stated, that in pursuance and under the authority of this warrant, the trespass complained of was committed by the defendants; that, thereupon, the plaintiff served a notice of action on the defendants, and that it had been agreed between the parties that an act of parliament, 53 Geo. 3. c. xcii. (local and personal) entitled, 'An Act for amending the Roads and Highways in the Isle of Wight,' might be referred to. That statute provided that the commissioners appointed by it should

have general jurisdiction over all the roads of the Isle of Wight, both turnpike and highway; it authorized the commissioners, by section 20, to erect "such number of gates, bars or turnpikes, and side-bars or side-gates in, upon, or across the said several roads or highways, or any of them, within the parishes and places aforesaid, and in, upon, or across any roads, lanes or ways leading, or that may hereafter lead into or out of the same," as they might deem proper; and by section 22, they or the collectors appointed by the act were empowered "to demand and take the several duties following at each and every of the several and respective turnpikes, or toll-gates, or toll-houses, or turnpike, or toll-gate, or toll-house, or side-bar, or side-gate, which shall be erected in, upon, across, or on the sides of the said roads, or any of them, by virtue of this act, and on every day, such day to be computed from twelve of the clock at night, to twelve of the clock on the succeeding night." The clause then set forth a table of tolls. By section 39, the commissioners were authorized to borrow money on mortgage of the tolls; and, by section 86, all fines were to be paid "to the treasurer of the commissioners." By the 87th section a short form of conviction was given, which required only the offence, and time and place when and where the same was committed, to be specified; and by the concluding section it was declared that the act should (so far as respects the turnpikes and tolls and monies advanced or to be borrowed on the credit thereof,) commence and take place on the 11th of October 1813, and should be in force and have continuance for and during the term of twenty-one years, and from thence to the end of the then next session of parliament. There were also provisions in the act for making rates on the parishes, to pay for land purchased to widen the roads or highways, pursuant to 13 Geo. 3. c. 78, and also in lieu of statute duty; for the appointment of parish surveyors, and for fixing the amount to be paid for cartage of materials. The statute also directed that all bridges, drains, and sewers, theretofore repaired by the parishes, should be repaired in the same manner as county bridges; and that the commissioners might compound with persons liable to repair such erections *ratione tenuræ*.

*Channell, Serj. (Butt with him), for the plaintiff.*—The main question which is raised on this case is, whether the local statute has been continued by the stat. 4 & 5 Will. 4. c. 10. and the subsequent acts. The latter statute, after reciting that it is expedient that the several acts for making, amending and repairing the turnpike roads in Great Britain, which will expire during the current year should be continued, provides, "that all and every act and acts of parliament for making, amending and repairing any turnpike roads in Great Britain which will expire before the ensuing session of parliament, shall be, and the same are hereby continued." This is a statute which imposes a burden on the public, since the tolls derive their origin and continuance solely from the local acts, and not from the general Turnpike Act, 3 Geo. 4. c. 126, and it, therefore, must be construed strictly, and no statute can be deemed to be continued by it, unless it clearly falls within the class named. The object of the statute merely related to turnpike roads, and it was intended to apply only to those acts which regulated them. But the local statute in question was not one which comes either within its words or within its object, for it was not an act relating to the making, amending and repairing of turnpike roads, but to that among other purposes, and to give to the subsequent statute the effect of continuing it would be to give validity and force to the whole act, and consequently to powers and burdens, the prevalence of which the legislature clearly never contemplated. Upon looking at the preamble and the enacting part it is clear that the legislature only contemplated the continuance of acts relating exclusively to turnpike roads.

[TINDAL, C.J.—Are the commissioners authorized by the local act to borrow money? That may be a very important ingredient in the consideration of the question whether it was the intention of the legislature to continue that act.]

They had that power, but it was expressly limited by the last section during the term for which the act was passed, and therefore no argument can be founded upon that power. But supposing the Court should be of opinion that the act was continued, still the plaintiff is entitled

to judgment, the conviction and warrant being defective in form. In the first place the conviction is bad, for not adjudicating that the plaintiff was to pay the fine, and also for not stating, even if that were unnecessary, to whom the payment was to be made. The statute, under which it is stated to have been made is the 3 Geo. 4. c. 126, which by sect. 141. declares that the penalties may be levied by distress, but that in case such fines, penalties, or forfeitures shall not be forthwith paid upon conviction, the Justices may order the detention of the defendant. Thence it is evident that the adjudication of payment is most material, and the defendant ought not to be left in doubt as to the party to whom he ought to pay, for it may be the means of preventing him from obtaining his liberty. It is clear that no information was afforded him by the conviction, for the name of the informer is not mentioned. The conviction is in the nature of a judgment, and ought to have the requisites at least which the Courts would deem necessary in a *quæ tam* proceeding. In such a proceeding the name of the party must be specified, and in *The King v. Seale* (1) the Court held a conviction under the Lottery Act was void, on the ground that it omitted to mention the person to whom the penalty was to be paid.

[TINDAL, C.J.]—A form of conviction is here given by the statute, which has been followed. I do not think any form was given by the statute upon which *The King v. Seale* arose.]

This is an objection in point of substance, and not one of mere form.

[CRESSWELL, J.—The statute says that the warrant is to issue unless the penalty is paid at once. The informer might not be present, and therefore it is clear the party might discharge himself by a payment on the spot to the Magistrates or their clerk. Do you mean to contend that such a payment would not be good?]

It is not necessary to contend that such a payment would not be valid, but this conviction does not state that the present plaintiff was to pay at all; it merely says, he has forfeited a sum. The next objection is, that there is a variance between the con-

(1) 8 East, 568.

viction and the warrant, and the latter is void. The conviction states that the plaintiff, with a cart, "did unlawfully, fraudulently, and forcibly pass through a certain toll-gate then and there legally situate and being, under the authority of the said act," whereby the payment of toll was avoided. The warrant states, that he "did unlawfully, fraudulently, and forcibly pass through a certain toll-gate then and there situate and being, by means whereof the payment of a certain toll, to wit, the sum of 3*d.*, then and there legally due and payable," was avoided, "contrary to the statutes in such case made and provided." The warrant omits all mention of the gate being a toll-gate erected by authority of the act of parliament, and it is quite consistent with the warrant that the defendant may have passed through a gate, at which toll was demandable under some private act, or by some private individual. It is not even called a turnpike-gate, but simply a toll-gate, and the warrant is wholly bad, because upon the face of it there is an utter want of jurisdiction. Then a good conviction does not supply defects in the warrant—*Wickes v. Clutterbuck* (2). The words "by means whereof the payment of a certain toll, to wit, the sum of 3*d.*, then and there legally due and payable, was avoided," cannot be prayed in aid, inasmuch as they are merely stated as a consequence of the preceding act, or rather a conclusion from the premises, and unless that is shewn to have been an act forbidden by some statute, and which the Justices had power thus to punish, the warrant is void.

[ERLE, J.—The word, "toll-gate," seems to have been treated by the legislature, as importing a thing with known incidents throughout the whole of the statute 3 Geo. 4. c. 126, and as describing a class of gates, at which the tolls due on turnpike roads are to be taken. The offence then is described in the terms of the statute, and surely that is sufficient.]

The word, "toll-gate," does not necessarily mean a gate erected under the provisions of the statute 3 Geo. 4. c. 126, or the local statute, but it may be a toll-gate on a bridge, or a toll-gate erected for the purpose of collecting a toll thorough or a toll traverse. The statute 3 Geo. 4. c. 126. refers to toll-gates erected under the different local turn-

(2) 4 Bing. 483; s.c. 3 Law J. Rep. C.P. 67.

pike acts, and its operation by the preamble is restricted to them, and if this warrant stated it to have been such a gate, it would have been good. The general term "toll-gate" is restricted in its operation by the tenor of the act, but there is nothing to restrain its meaning in this warrant. Suppose this description had been contained in an indictment for destroying the gate, surely it would not have been supported? The right to take toll is only given by the local act, and unless it were shewn that it was a gate at which a toll was demandable under that statute the warrant is bad. The mode in which the appropriation of the penalty is stated is also erroneous. One moiety of the penalty is directed to be paid to the informer, the other moiety "to the treasurer of the commissioners for amending the roads and highways in the Isle of Wight, being the place where the said offence was committed." The statute, however, 3 Geo. 4. c. 126, by the form of warrant directs the moiety to be paid "to the surveyor of the turnpike road [describing it] where the said offence happened," and by section 141. "to the treasurer or treasurers of the trustees or commissioners for repairing and maintaining the road, on which such offence shall have been committed, and applied and disposed of for the purposes of such road." The appropriation of the moiety of the penalty to "the treasurer of the commissioners for the roads in the Isle of Wight" generally, without specifying the particular road on which the offence occurred, and which was entitled to the benefit, is void.

[*Byles, Serj.*—The roads in the whole island are subject to one body of commissioners by the statute 53 Geo. 3. c. xcii, and they have but one treasurer.]

At all events, the warrant is bad for want of any statement that the penalty has been demanded. As a general rule, it is quite clear, that powers of distress should never be put in force till payment has been requested.

[*CRESSWELL, J.*—The words of the statute are conclusive against you, for the 141st section says, that the penalty shall be levied by distress "upon conviction," and also, in case such fines, &c. shall not be forthwith paid upon conviction, that the Magistrates may order the offender to be kept in custody. There is no mention of any demand.]

TINDAL, C.J. then called upon *Byles, Serj.* to argue the point only as to the



stances, I think the objections have not been supported, and that the defendants are entitled to judgment.

CRESSWELL, J.—With respect to the main question which has been raised, I am surprised that a doubt should ever have existed as to whether the local act was continued by the recent statute. The local act was not the less an act for making, amending, and repairing turnpike roads, because it also related to other matters. As to those matters it would expire, whilst its operation would be continued so far as the regulation of the turnpike roads was concerned. Several objections, however, independently of this question, have been taken to the form of the proceedings, and I may observe that these may be all answered, by saying that the forms given by the statute have been substantially pursued, and all defects of form are expressly remedied by the statute. But then a suggestion is made that there is no conviction to support the warrant, the one varying from the other; but it appears to me there is no sufficient variance, the one is only more full than the other. The objection of variance was made in *Daniell v. Phillips* (4), with far more reason, for the trespass of which the party was convicted there appeared to have been committed against personal property by the conviction, whereas the warrant set forth a trespass to the realty, with the cutting of the rushes alleged as a mere matter of aggravation, yet the Court upheld the warrant. Upon the point, whether the allegation that the plaintiff “fraudulently and forcibly passed through a certain toll-gate then and there situate,” by reason whereof payment of a toll was evaded, was sufficient, I must confess I did entertain some doubt, but upon looking at the act I am satisfied that a punishable offence is disclosed. The penalty is imposed by the statute upon any person who shall fraudulently or forcibly pass through any such toll-gate with any horse, &c., by reason whereof the payment of any tolls or duties shall be avoided, and the warrant states that the plaintiff did with a certain carriage “unlawfully, fraudulently, and forcibly pass through a certain toll-gate then and there situate, by means whereof the payment of a certain toll” due in respect of his carriage was avoided, contrary to the statutes. The road is shewn

to be in the Isle of Wight, and the power of the commissioners extends over the whole of the roads in the island. The toll, I think, must be taken to be a toll on the carriage, due from the plaintiff in respect of his travelling there with it on a turnpike road, and the forms appear to me to have been as closely adhered to as the case will admit.

ERLE, J.—I think, too, that the defendants are entitled to judgment. The first question is, whether the local act containing other provisions than those relating to turnpike roads can be deemed to be continued by an act, which declares that “all acts for making, amending and repairing any turnpike roads shall be continued.” So far as the part of the local act is concerned which relates to turnpike roads, I think it is continued; for the most serious injustice would be otherwise perpetrated, inasmuch as the whole of the money advanced upon the security of the tolls would be lost. The other objections may be disposed of by reference to the forms given by the statute, which have been substantially pursued, but with respect to the principal objection that no legal offence is disclosed in the warrant, it struck me, in the first instance, that when it stated that the plaintiff passed through a toll-gate whereby the toll was avoided, it stated enough. Upon further reference to the statute this appears to be so, for the warrant uses the very words of the 41st section, with the exception of the word “such.” Then, if that word has no meaning, there can be no question that the warrant is sufficient; and having therefore looked through the preceding and subsequent sections, I cannot find that it has any meaning. Indeed, upon examination, it is clear that the term “toll-gate” is used throughout as synonymous with turnpike-gate, and the effect of the language used, I think, is, that the plaintiff forcibly passed through a toll-gate erected over a turnpike road. Then the 148th section guards against the effect of any objection of a mere formal character, and although if the warrant were wholly void and shewed no jurisdiction it could not avail, yet if it affords the party the means of knowing that the distress is taken under this act, which, I think, it does, it is sufficient.

*Judgment of nonsuit.*

(4) 1 Cr. M. & R. 662; s. c. 4 Law J. Rep. (n.s.) M.C. 67.

statute, that it was continued. The object of the legislature in passing that statute was, that persons who had advanced their money upon the tolls of turnpike roads, should not be left without any security. Now, the local act in the present case, by section 89, enables the commissioners to raise money to a certain amount by way of mortgage on the turnpike tolls, and not of the parish rates, and is just one of those statutes which the legislature intended to continue. We should be putting a most mischievous construction upon the words of the latter act, if we did not hold this act to be included. It is entitled 'An act for continuing until the 1st day of June 1836, the several acts for regulating the turnpike roads in Great Britain, which will expire with the present or next session of parliament;' and after reciting that it is expedient that the several acts for making, amending, and repairing the turnpike roads in Great Britain, which would expire in either of those sessions, should be continued, enacts, "That all and every act and acts of parliament, for making, amending, and repairing any turnpike roads in Great Britain, which will expire with the present or the next session of parliament, shall be, and the same is and are hereby continued." "An act for amending the roads and highways in the Isle of Wight," may well be deemed to be included within those terms. It is, however, suggested, that the local act does not fall within this class, because it is not merely a statute for making, amending, and repairing any turnpike roads, but for something more. There would be a lamentable defect in the statute, if it did not continue such an act; but if we look to the second clause, it appears that the legislature could not have contemplated such an omission, for that clause proceeds to except three statutes relating to improvements in London, evidently supposing that, although they might not strictly be within the terms used, yet that a wide construction and operation would be given to the statute, and even they might thus be deemed to be included. The second objection urged is, that the conviction contains no adjudication that Barnes shall pay the fine. The answer to it is, that the statute 3 Geo. 4. c. 126. gives a precise form which has been followed; and section 148. declares, that no objection for want of

form in the proceedings shall be raised. Then, another objection is, that a variance exists between the conviction and the warrant; but upon reading them it is clear to my apprehension, that really no variance exists, and that the one is only a little more full and explicit than the other. So far as the warrant goes, it agrees with the conviction. The fourth objection is, that the warrant is void, because it does not shew on the face of it any legal cause for issuing it, and if it be void, it affords no justification to the persons who put it in force. I think, however, that there is no ground for the objection, for although it is not stated that the gate through which the plaintiff passed was a toll-gate erected on a turnpike-road, yet the language used is equivalent to saying so. I quite concur in the observation, that the local act is to be regarded as incorporated in the General Act, 3 Geo. 4. c. 126; but by the 41st section of that statute, it is declared, that if any person shall fraudulently or forcibly pass through any such toll-gate with any horses, &c., whereby a toll is avoided, he shall be liable to a penalty. The first answer to the objection is, that the warrant follows the words of the act. But the local act being incorporated, upon reference to it, the term "toll-gate" evidently means the same thing as turnpike-gate; and it is obvious that the words were considered to be equivalent, and if the word "turnpike-gate" had been used, it is admitted there would be no difficulty. The objection, with respect to the appropriation of the penalty is answered, by observing that a form of the warrant is given, and that the warrant in the present case states the appropriation of the penalty, though not precisely in the same manner as there set forth, yet substantially in the same manner. The only variance is with respect to the treasurer of the particular road, and in that respect it would be impossible to follow the form, because there is only one treasurer, and he is the treasurer for all the roads in the island. This variance is then rendered immaterial by the 148th section, which allows such variations as the necessity of the case requires. With respect to the objection, that no demand is stated to have been made, I think a demand was not necessary, for the act directs the enforcing of the penalty, if it be not "forthwith paid upon conviction." Under these circum-

a party to the judgment. Mr. Fitzjohn's interest was clear: the money payable by the order appealed against was payable to the turnpike trust of which he was a creditor. Mr. Fordham was a party to the order made at special sessions, the confirmation of which was in question, and the Court of Quarter Sessions might have quashed the order, and awarded costs against him. His interest, therefore, is equally apparent. It is true he did not vote, but the circumstances alleged in the affidavits were sufficient to call upon him to state distinctly upon his oath that he had abstained altogether from taking part in the discussion. He gives no answer to the statements made of his having, during the progress of the hearing of the appeal, been in conversation with his brother Magistrates respecting the case. I dare say he never thought that in so doing he was overstepping the line of his duty: but this Court is bound to be extremely jealous upon all subjects connected with the administration of justice; and it is impossible not to view his conduct with regret. The *prima facie* case against him required to be answered by a distinct assertion on his part that he had had no conversation with any other Magistrate on the subject. It is quite consistent with his having left the court before the determination of the appeal, that what he said to his brother Magistrates during the discussion might have had considerable influence on their decision. I am clearly of opinion, that the Court was improperly constituted; that this rule must be made absolute; and that the order of Sessions must be quashed.

PATTESON, J.—In the case of *The Queen v. the Cheltenham Commissioners*, I suppose I was not satisfied that the vote of an interested person is sufficient to vitiate the proceedings of a Court; and as, in that case, the interested parties who voted did make up the majority, I put my judgment on that ground. But I think, now, that was an unsound and dangerous ground to put it on. The question whether a court of justice be rightly constituted, cannot depend upon how many of those who form members of it are interested in the decision they may come to: nor can it depend upon whether they vote or not. If some of them are interested, and they are present and join in the discussion of the matter, it is impossible to say

what the effect of such discussion may be upon the minds and judgment of the Court at large. The real question is, whether any party interested has taken any part in the discussion of the matter. If he has, I think the decision of the Court is bad. Here one of the Magistrates was a respondent in the appeal; clearly, therefore, he ought not to have taken any part at the hearing of it. I agree, that mere surmise of his interference will not do; but here the affidavits state, that while the appeal was being heard he was on the bench, engaged in conversation with the other Magistrates: it may be fairly presumed that he was speaking about the matter then before them, nor has he denied that he did so. As to Mr. Fitzjohn, certainly his interest was rather remote; but still, there was an interest; for, although the act says, that the money awarded to be paid by the parish surveyors shall be wholly laid out in the repairs of the turnpike road, yet, if it be so applied, it saves the general fund *pro tanto* from the outlay otherwise necessary to repair the road.

COLERIDGE, J.—I should content myself with simply stating my concurrence with the rest of the Court, but as I was not present when *The Queen v. the Cheltenham Commissioners* was decided, I am desirous of stating, that I entirely assent to the decision in that case, and to the principle upon which my Lord rests that decision. It seems to me that the question whether a Court be rightly constituted, is an *à priori* question, and that we cannot look to what they may afterwards do in order to determine it. And so the parties seem to have thought it in the present case, for it appears that they objected to Lord Salisbury's taking part in the hearing of the appeal, as an interested person, before the commencement of the hearing. That was the proper time to make the objection. If the judgment of my Brother Patteson in *The Queen v. the Cheltenham Commissioners* be looked at, it will be seen that he says,—“I do not, however, feel, that where a Magistrate knows that he is interested, and still takes a part in the discussion, he is justified in saying that because so many other Magistrates were present he could not have influenced the decision: it is clear that great effect may be produced by the party being present, and

merely joining in the discussion." My Brother Patteson, therefore, waiving the question of numbers, where a single person taking part in the discussion is aware of his interest, does not seem to me to have differed in principle from the rest of the Court. I think it cannot be too distinctly stated, that no Court can be well constituted in which one of the Judges has an interest in the subject-matter of dispute; and we ought not to enter into the question of the amount of interest.

WIGHTMAN, J. concurred.

*Rule absolute.*

BAIL COURT. }  
1845. } THE QUEEN v. MORICE AND  
April 28. } ANOTHER.

*Highway Rate—Application of, for Repairs—4 & 5 Vict. c. 59. s. 1.—Jurisdiction of Justices—Certiorari, Time of Issuing—Appeal to Quarter Sessions.*

*An order of special sessions directing a portion of the highway rate to be paid to the surveyor for the purpose of repairs of a turnpike road, under 4 & 5 Vict. c. 59. s. 1, must appear on the face of it to be made at a special sessions holden in and for the division of the county in which the turnpike road is situate, pursuant to 5 & 6 Will. 4. c. 50. s. 45.*

*The order directed "that 9l. 5s., being a portion of the rate or assessment levied or to be levied by virtue of 5 & 6 Will. 4. c. 50," should be paid to the surveyor of the highways for the purpose of repairs:—Held, that it was not necessary to specify in the order what proportion of the rate was to be paid; and also that it sufficiently appeared that the sum of 9l. 5s. was to be paid out of the rate then in existence under 5 & 6 Will. 4. c. 50.*

*It is no objection to a rule for a certiorari to bring up an order of two Justices, that a former rule has been made absolute for a certiorari to remove an order of Quarter Sessions confirming the order of Justices on appeal, but to which no return has been made, unless it appears by affidavit that the original order has been duly returned to the Sessions.*

*Where on appeal to the Quarter Sessions an order of Justices has been confirmed, the six months within which a certiorari to bring up the order of Justices must issue, runs from*

*the date of the order of Quarter Sessions, and not from the date of the original order.*

At a special sessions of the highways holden in and for the division of the hundred of Odsey in the county of Hertford, the following order was made under the hands and seals of Henry Morice and John George Fordham, two of the Justices of the Peace for the said county of Hertford:—"Hertfordshire, to wit. At a special sessions of the highways, holden at the Bull Inn at Royston, in and for the division of the hundred of Odsey, in the county of Hertford, on the 21st day of June 1843 by Her Majesty's Justices of the Peace in and for the county of Hertford acting in and for the said division. Whereas William Hollick Nash, clerk of the turnpike trust, called the Baldock and Bournbridge Trust, hath this day exhibited an information before us, the said Justices, at the said special sessions, giving us, the said Justices, to understand and be informed that the funds of the said turnpike road, after payment of the principal and interest monies due to the commissioners, are wholly insufficient for the repair of the turnpike road called the Baldock and Bournbridge Trust, situate within the parish of Bygrave, in the county of Hertford, and hath prayed us, the said Justices, to make such judgment and order in the premises as upon examination shall appear to us meet, and as to law doth appertain. And whereas it hath been duly proved before us, that due notice of such intended information hath been given on the part of the said William Hollick Nash, and we, the said Justices did proceed to examine at such special sessions the state of the revenues and debts of the said turnpike trust, and to inquire into the state and condition of the repairs of the roads within the same, and also to ascertain the length of the roads, including turnpike road, within such parish of Bygrave, and how much of such road is turnpike road; and after such examination it appearing to us, the said Justices, necessary and expedient for the purposes of the said turnpike road in the said parish of Bygrave so to do: We do hereby adjudge and order that the sum of 9l. 5s., being a portion of the rate or assessment levied or to be levied by virtue of the statute passed in the sixth year of the reign of his late Majesty King William the Fourth,

intituled, 'An act to consolidate and amend the laws relating to highways in that part of Great Britain called England,' shall be paid by the surveyor or surveyors of the highways of the said parish of Bygrave, on or before the 1st day of August 1843, to the commissioners of the said turnpike trust, or to Mr. James Piggot, of Royston, in the county of Hertford, their treasurer, such sum of 9*l.* 5*s.* to be wholly laid out in the actual repair of such part of the said turnpike road as lies within the said parish of Bygrave, from which the same is to be received. Given under our hands and seals at the special sessions aforesaid.

"Henry Morice, (L.s.)

"John George Fordham, (L.s.)

"To the surveyors of the highways of the said parish of Bygrave."

An appeal against the above order was entered at the Michaelmas Quarter Sessions for the county of Hertford, which was adjourned until the Epiphany Sessions, and again adjourned to the Easter Sessions, held on the 8th of April 1844, when the order of special sessions was confirmed. A rule had been obtained calling upon the Justices of the Peace for the county of Hertford to shew cause why a *certiorari* should not issue to remove the order of Quarter Sessions, and all proceedings relating thereto, which rule was made absolute in Hilary term last (1). While that rule was pending (on June 12, 1844),—

*Hawkins* applied for a rule, calling upon the said H. Morice and John George Fordham to shew cause why a *certiorari* should not issue requiring them to return the above order of special sessions into this court, in order that it might be quashed. The objections to the order were: first, that it did not appear that the road in question was within the division of the county for which the special sessions were held, and *The Queen v. Martin* (2) was cited; secondly, that the order was bad for not stating what proportion of the rate was to be paid; thirdly, that the order was uncertain in not shewing out of which rate the sum of 9*l.* 5*s.* was to be paid. A rule nisi having been granted,—

(1) See *The Queen v. the Justices of Hertfordshire*, *ante*, p. 73.

(2) 2 Q.B. Rep. 1037, n.; s. c. 13 Law J. Rep. (n.s.) M.C. 46.

*Wordsworth* now shewed cause.—There are two preliminary objections to this rule: first, it is unnecessary, as the effect of the rule for a *certiorari* to the Quarter Sessions granted last term ought to be to bring up the original order as well as the order of Quarter Sessions—*The Queen v. the Justices of Cornwall* (3). No ground was stated, upon moving for this rule, why it was necessary that a separate *certiorari* should issue to these two Justices, who ought not to be harassed with two writs upon the same subject. But, if it is considered that a substantive application for a *certiorari* may be made to remove this order of the special sessions, then it is too late, not having been moved for within six months from the date of the order. Undoubtedly, where there is an appeal against an order, a *certiorari* to bring up the order of Quarter Sessions, together with the original order, is in time if issued more than six months after the date of the latter, but within six months from the Quarter Sessions. But here the original order alone is sought to be removed. Then, as to the objections which are made to the order itself, *The Queen v. Martin* does not apply: that was a proceeding under 5 & 6 Will. 4. c. 50. s. 94, which only gives authority to the Justices acting at a special sessions held within the division in which the highway is situate; whereas the words of this act are clearly different, giving the power to the Justices "at any special sessions for the highways." Secondly, it is argued that the Justices ought to have stated in the order, what proportion of the rate was to be paid to the surveyor; but the words of the act are "what portion," and this order does express that the sum directed to be paid is a portion of the rate. Lastly, the words "the rate or assessment" levied or to be levied by virtue of the statute 5 & 6 Will. 4. sufficiently shew out of what rate the money is to be paid.

*Hawkins*, *contra*.—As to the preliminary points: the first rule required the Justices to return the order of Quarter Sessions, and all proceedings relating thereto; and no return of the original order having been made, it must be presumed that the Sessions have returned all that is in their custody. This rule was moved, as it was suspected

(3) 1 New Sess. Cas. 414; s. c. *ante*, p. 46.

that the original order had never been returned to the Sessions.

[COLERIDGE, J.—Surely, as there was an appeal against this order, it must have been returned to the Quarter Sessions. But supposing you can treat this as a distinct rule, are you not out of time?]

The time for moving for a *certiorari* runs from the time of confirmation by the Quarter Sessions, and not from the time of making the original order. There is a rule of court, made 1 Ann. (4), that no *certiorari* should be granted to remove orders of Justices, from which the law has given an appeal to the Sessions before the matter be determined on this appeal, because it hinders the privilege of appealing, and this rule was cited and recognized in *The King v. Sparrow* (5). If that be so, and the Justices neglect their duty by not returning the original order to the Quarter Sessions, great injustice would occur if a *certiorari* to remove the original order could not issue more than six months from the date of it. He also cited *The King v. the Justices of Middlesex* (6). Then as to the objections on the face of the order; first, the 5 & 6 Will. 4. c. 50. s. 45. empowers "the Justices within their respective divisions to hold not less than eight nor more than twelve special sessions for the highways," and the 4 & 5 Vict. c. 59. s. 1. gives the power "to the Justices at any special sessions for the highways." Now reading these two acts together, it is clear that none but the Justices for the division in which the highway is situated, can make this order, and the principle of *The Queen v. Martin* applies, notwithstanding the difference in the words—*Peerless's case* (7). The 5 & 6 Vict. c. 59. evidently refers to special sessions provided for by some other act.

[COLERIDGE, J.—Do you mean that an application of this kind can only be made at a special sessions appointed under the General Highway Act?]

Even if it may be made at other special sessions than those appointed to be held in the General Highway Act, yet such

other special sessions must be held within the particular division in which the highway is situated, in accordance with the general object of that act. Secondly, the Justices are to examine into the length of the roads in question, and, if necessary, to order a certain portion of the rate to be paid to the surveyor. The act only authorizes three rates a year, the whole of which are not to exceed 2s. 6d. in the pound. If then they can order a gross sum to be paid, *non constat* that the whole rate will be sufficient to satisfy it. Lastly, it does not appear out of which of the three rates this is to be paid.

COLERIDGE, J.—It seems to me that there is nothing in either of the last two grounds of objection taken to the order. The first is, that the Justices are bound to find and state the sum directed to be paid to be a certain proportion of the rate: but the word used by the act is "portion," and there ought, therefore, to be some strong implication shewn to arise from the wording of the act in order to make me think that it means that a particular proportion of the rate is intended. But it is said that this must be so, as the act directs the Justices to examine into the state and length of the roads, and decide accordingly. But what an uncertain test that would afford if, from the length or breadth of the road, they were to fix what proportion of the rate was to be applied for repairs; one mile might require very great repair and another mile none at all. If the Justices should, upon examination, direct a sum to be so applied which is too large a proportion of the rate, that is merits, and can be questioned upon appeal to the Quarter Sessions, but can afford no ground for objecting to the order on *certiorari*. Next it is objected that there being three rates of 10d. in the pound which may be raised in the year, the order ought to state out of which of these rates the sum of money is to be paid. Looking to the order, it speaks of it as a portion of the rates levied or to be levied, and as a second rate cannot be made until the first is collected and found insufficient, "the rate" must mean the rate then in existence. The order, therefore, speaks of that which is sufficiently certain, on the ground that *id certum est quod cer-*

(4) 1 Salk. 147.

(5) 2 Term Rep. 196, a.

(6) 5 Ad. & El. 62; s. c. 6 Law J. Rep. (N.S.) M.C. 10.

(7) 1 Q.B. 143; s. c. 10 Law J. Rep. (N.S.) M.C. 67.

*tum reddi potest.* As to the preliminary objections to the rule, and the first objection made to the order, I will look at the affidavits.

*Cur. adv. vult.*

COLERIDGE, J.—This was an application for a *certiorari* to two Justices to return an order made by them into this court, for the purpose of having it quashed. There were two objections taken to this rule:—First, that it had been moved after a rule, which has subsequently been made absolute in the full court, for a *certiorari* to the Quarter Sessions to return the order confirming the above order of Justices, and all orders and proceedings relating thereto, and before any return to that rule; and it was contended, that it was to be presumed that this order had been duly returned by the Justices to the Quarter Sessions, and that, therefore, the present rule was unnecessary, as the return by the Quarter Sessions would include this order. All this would have been perfectly true, if the Justices had returned the order to the Quarter Sessions, and if they had sworn to that fact, it would have been an answer to the application, and this rule would have been discharged with costs. But they have not stated this to be the case in their affidavit, and in the absence of such statement I cannot presume it. The second objection to the rule is, that it is out of time, having been moved for more than six months after the date of the order of Justices. But it is clear, that the six months within which the *certiorari* must be moved for, run from the time of the confirmation by the Quarter Sessions, and not from the time of making the original order. If that were not so, a party would in many cases be deprived of his double remedy, by appeal, and also by *certiorari*. I am, therefore, brought to consider the objections to the order itself, which are, that it is not shewn on the face of the order that the Justices had jurisdiction to make it. It purports to be made at a special sessions of the highways, holden in and for the division of the hundred of Odsey, and states that the turnpike road in question is situate within the parish of Bygrave; but it is nowhere stated that Bygrave is within that division of the county for which the special sessions was held. This order was made under the 4 &

5 Vict. c. 59, which gives jurisdiction to the Justices at any special sessions for the highways. These words, however, appear to me clearly to point to the periodical special sessions appointed to be held by the 5 & 6 Will. 4. c. 50, and not to any special sessions which the Justices may hold for the particular occasion. It is more conducive to public justice that such matters should be brought before the periodical special sessions, at which it may reasonably be presumed there will be full attendance of Justices.—[His Lordship then read the 45th section of the 5 & 6 Will. 4. c. 50.]—The provisions of that section evidently point to a local limitation of jurisdiction; the surveyor of each parish within the division is to appear before the Justices at the special sessions, and to inform them of various facts relating to the highways; in short, to give them such preliminary general information as shall be necessary before they proceed to make any order. The fact, therefore, that the highway does lie within the jurisdiction of the Justices, must be stated in the order, and as it is not either expressly stated here, nor is to be inferred from any thing which is stated, that Bygrave is situated within the division of the county for which the special sessions were held, the rule for the *certiorari* must go.

*Rule absolute.*

1845. } THE QUEEN v. THE INHABITANTS  
Jan. 22. } OF YELVERTOFT.

*Settlement by Birth—Ex parte Maternâ.*

*The examinations on which an order of removal was founded, shewed the maiden settlement of the pauper's mother to be in the appellant parish. They contained a hearsay statement that her husband (the pauper's father) was born in London, but there was no legal evidence of the fact, nor of any attempt made to ascertain it:—Held, that the examinations justified the order of removal, and that, in the absence of other evidence, the Sessions did right to confirm it.*

On an appeal against an order of two Justices, dated October 14th, 1843, for the removal of Charles Page, jun., together with his wife and their four children from Blaby, in the county of Leicester, to Yelvertoft, in

the county of Northampton, the Sessions confirmed the order, subject to the opinion of the Court on the following

#### CASE.

The examinations, on which the order of removal was grounded, so far as they were material, were as follows:—First, the examination of the pauper to the effect that he had gained no settlement in his own right. Secondly, Charles Page, senior, “I believe I am upwards of sixty-four years of age, and was born, I believe, in London, but in what parish I never heard. I was brought up by my grandfather at Yelvertoft, in the county of Northampton, from about the age of two and a half years, and never saw my parents above three or four times afterwards, and do not know where they belonged. I have never done any act to gain a settlement in my own right. I was married at Yelvertoft church on Yelvertoft Feast Tuesday, when I was about twenty-six and a half years old, to Catherine York, single woman, by whom I had six children, one of whom is the pauper Charles Page the younger, who was born at North Kilworth, and is about thirty years old. I have heard that my said wife was born at Yelvertoft, where I remember her parents living, and where I believed they belonged. I never heard the place of her settlement was out of Yelvertoft. She died at North Kilworth about twenty-three years ago.” Thirdly, the examination of Thomas York, “I believe I am fifty-nine years of age, and was born at Yelvertoft. My father Samuel and my mother lived there ever since I can recollect: I lived with them until they died. Catherine York was my sister, and younger than me. She was born at Yelvertoft. She is the same person who is mentioned in the certificate of baptism now produced, as being baptized at Yelvertoft on the 6th day of July 1788, and the same person who was afterwards married to Charles Page the elder: I was present at the marriage. I believe my father Samuel York belonged to Yelvertoft.”

The grounds of appeal were, first, that the said order and examinations whereon the same was founded, and the notice thereof, were informal and bad on the face of them, because the pauper, Charles Page the younger, appeared by the said examinations to be removed to his derivative settlement *ex parte*

*maternal*, while it did not appear that any due examination or inquiry had been made to ascertain that the said pauper had no derivative settlement *ex parte paternal*, but, on the contrary thereof, Charles Page the elder stated his belief, that he (Charles Page the elder) was born in London, and no *prima facie* evidence was given that he was not there born, or that he acquired no birth settlement thereby. Secondly, that there was no legal or sufficient evidence given before the removing Magistrates, or shewn in the said examinations, that Catherine Page, the mother of the pauper, was born in the parish of Yelvertoft.

The respondents, at the trial, proved the birth of Catherine Page at Yelvertoft, by a witness not examined by the removing Justices, and did not call Thomas York, whose examination is above set out. The appellants contended, that the order ought to be quashed on the objection stated in the first ground of appeal, and also that it was not competent to the respondents to support their order, without calling Thomas York as a witness, he being in court, and the appellants requiring that he should be called. The Sessions held, that the examinations were sufficient in respect of the objections taken on the first ground of appeal, that it was not necessary for the respondents to call Thomas York as their witness, and confirmed the order, subject to the opinion of this Court. If the Court should be of opinion that the Court of Quarter Sessions were not justified in both or either of the above decisions, the order of removal and order of Sessions to be quashed. If the Court should think the Sessions justified in both the said decisions, both the said orders to stand confirmed.

*Macaulay and Simpson*, in support of the order of Sessions, were directed by the Court to confine themselves to the objection stated in the first ground of appeal. The examinations disclose a settlement of the pauper *ex parte maternal*. That is a sufficient *prima facie* case to justify the order of removal. It was not necessary for the respondents to shew that any inquiry had been made respecting the settlement of the father. The onus of proving that the pauper's father had any settlement lay upon the appellants. But supposing that it was necessary for the respondents to shew that they had made inquiry respecting the settlement of the father, here



the Sessions have properly decided as a fact, that there had been a sufficient and reasonable investigation into that matter. It would be a manifest absurdity to set parish officers on a search through London, from parish to parish, to ascertain the truth of a hearsay statement that a particular man was born in London sixty-four years ago. He may have been born in an extra-parochial district. The cases most analogous to the present are those of the removal of a married woman or a widow to the place of her maiden settlement, upon proof of her maiden settlement only, leaving it to the appellant parish to shew her husband's settlement, if he had any—*The King v. Woodsford* (1), *The King v. Westerham* (2), *The King v. Ryton* (3), *The King v. Edisore* (4), *The King v. Harborton* (5).

[COLERIDGE, J.—Have you a right to remove to parish A, when there is *prima facie* evidence that the settlement is in some other parish, although you cannot tell what that parish is? Suppose a birth settlement proved, and on cross-examination a settlement by hiring and service with residence is proved, but the witness has forgotten in what parish, would the birth settlement remain?]

No; because in that case there would be evidence of a subsequent settlement somewhere, though where is not known. But in the present case there is no evidence whatever of the settlement of the pauper's father; nothing but his own hearsay statement of a fact necessarily beyond his knowledge. This distinguishes the case from that of *The King v. St. Mary, Beverley* (6), where the respondents themselves clearly proved that the husband of the pauper had a settlement in one of the parishes of Ipswich, though it was uncertain in which. The doctrine laid down in *The King v. St. Matthew, Bethnal Green* (7), "that no recourse shall be had to the mother's settlement till that of the father can be traced no farther," must be received with this limitation, that proof of the mother's settlement is sufficient

in the first instance, till it appear that the father had a settlement—*The King v. St. Mary, Leicester* (8). The only ground on which the argument on the other side can be supported is, that every man must be presumed to have a settlement, and therefore that the settlement of the pauper's father should have been inquired into before resorting to that of the mother. If that be so, it would be a good objection in every case of a removal to a birth settlement, that the respondents do not shew an inquiry into, and negative the pauper's derivative settlement by parentage.

*J. Hildyard*, contra.—The examinations contain no legal evidence of the birth of the pauper's mother in Yelvertoft; for a comparison of the dates shews, that Thomas York was only three years old when he states that his sister was born. It was impossible he could remember the fact.

[LORD DENMAN, C.J.—Where are we to draw the line? Might he not remember it if he were four years old? We must assume that the examining Magistrates took the proper evidence. He swears to the fact. The expression, "I believe I am fifty-nine" is not binding on him. He might be older.]

As to the main point. The power of removal is a statutory power. The removal must be to the place of the pauper's last legal settlement, cleared of all reasonable doubt. Here, though there was no sufficient evidence that the pauper's father was born in London, there is sufficient to raise the presumption that he was born there, and so to set the respondents on further inquiry. Whatever may have been the law in former times, the later cases shew that a married woman cannot be removed to her maiden settlement, until the respondents shew either that her husband had no settlement, or that reasonable search has been made, ineffectually, to ascertain it—*The King v. St. Mary, Leicester*, *The Queen v. the Inhabitants of Leeds* (9).

LORD DENMAN, C.J.—It appears to me that the case of *The King v. Harborton* must govern our decision in this case. There the Court said, that there could be no doubt but

(1) Cald. S.C. 236.

(2) 2 Bott, P.L. 108.

(3) Cald. S.C. 39.

(4) Ibid. 371.

(5) 13 East, 311.

(6) 1 B. & Ad. 201; s.c. 9 Law J. Rep. (n.s.) M.C. 17.

(7) Burr. S.C. 485.

(8) 3 Ad. & El. 644; s.c. 4 Law J. Rep. (n.s.) M.C. 95.

(9) 13 Law J. Rep. (n.s.) M.C. 197.

that the evidence offered by the respondents of the wife's maiden settlement was *prima facie* sufficient; and that it lay upon the appellants to rebut it by giving evidence of the husband's settlement in a different parish. None of the cases which have since occurred are opposed to *The King v. Harborton*. In *The Queen v. the Inhabitants of Leeds* it was taken for granted, that some inquiry into the settlement of the husband was necessary; and the Court merely said, "As you put the question to us, whether the inquiry made was sufficient, we will answer it." In *The King v. the Inhabitants of St. Mary, Leicester*, proof of the mother's settlement was held sufficient to destroy the birth settlement of the pauper, no evidence being given by either party as to the father's settlement. In *The King v. St. Mary, Beverley*, an actual settlement of the pauper's father was proved, which got rid of the mother's settlement, although the particular township in which the father was settled was not proved. In *The King v. St. Mary, Leicester*, I stated my first impression to have been, founding myself on the rule laid down in *The King v. St. Matthew, Bethnal Green*, that it was necessary, before setting up a mother's settlement, to shew that some inquiries had been made as to the father's settlement, and that it could not be discovered; but *The King v. Harborton* does not support that opinion. No doubt it may in many cases be desirable for a parish obtaining an order of removal upon a mother's settlement, to inquire, for their own sake, into the settlement of the father, that they may not, when they come to the Sessions, be upset by proof of it on the other side. But in the case before us there is no evidence of any settlement of the pauper's father, nor anything to shew that it was necessary for a prudent man to make inquiry into it. The necessity of such inquiry must depend upon the value of it—upon what could be got from making it. What could be got from following up the hearsay evidence of the witness, "I believe I was born in London upwards of sixty-four years ago, but in what parish I never heard"? I think we must assume here, that the Sessions held that whatever inquiry was necessary had in fact been made.

PATTERSON, J.—I confess I cannot distin-  
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guish this case from *The King v. Harborton*. There it is distinctly laid down, that evidence of a woman's maiden settlement is sufficient *prima facie* evidence of her child's settlement, and the onus of proving her husband's settlement is thrown on the other side. It is very clear, that if in the course of the evidence it turns out that the husband had a settlement, they must go on and pursue the inquiry to discover what that settlement was. In the case of *The King v. St. Mary, Beverley*, it appeared that the husband was settled in some parish in Ipswich. And if it had appeared here that Charles Page the elder was settled in some parish in London, the case would have been different; but here there is nothing to shew that he was settled in London. The man says, "I believe I was born in London." That was a fact of which he could know nothing himself, and there is no other evidence of it.

COLERIDGE, J.—I am of the same opinion. I think it is material to remember that the objection is here, that there is a defect on the face of the examinations. Now, that does not let in objections to the course which the Magistrates, who made the order of removal, took in hearing the evidence. But even if it did, there is nothing to shew that they did wrong. A mere hearsay statement by a man that he was born in London, does not make it necessary to search through all the parishes in London, to ascertain whether the fact be so or not. The question is, was there evidence here for the Magistrates to adjudicate upon? and have they drawn the right conclusion from it? If so, they have done what the statute requires. The objection as to the decision at which the Magistrates arrived was rather one to be made at the Sessions, and to be supported by evidence. But this was not done. The case at the Sessions stood entirely on the same ground as it did before the Magistrates, and I think the Sessions were right in coming to the same conclusion which the Magistrates arrived at (10).

*Order of Sessions confirmed.*

(10) Wightman, J. was absent.

1845. }  
 April 24; } THE QUEEN v. BARNARD  
 May 3. } GREGORY.

*Indictment—Central Criminal Court—  
 Recognizance—Venue.*

*The caption of an indictment for a misdemeanour found by the grand jury of the Central Criminal Court, need not state that the person presenting such indictment had been bound over by recognizance to prosecute, before the Sessions at which the bill was found; for the grand jury have jurisdiction to find such a bill, although no recognizance has been previously entered into.*

*An indictment in the Central Criminal Court described the offence as committed "at the parish of M, in the county of Middlesex, within the jurisdiction of the Central Criminal Court." It was removed by certiorari by the defendant, who pleaded guilty to it in Middlesex:—Held, that the venue was correctly stated.*

This was an indictment found at the Central Criminal Court. It was, at the instance of the defendant, removed by *certiorari* into the Court of Queen's Bench. The indictment had in the margin the venue "Central Criminal Court, to wit," and contained eleven counts, each alleging that the defendant, on &c. at the parish of St. Mary-le-Strand, in the county of Middlesex, within the jurisdiction of the Central Criminal Court, wilfully and maliciously published a certain false and scandalous libel concerning Charles Frederick Augustus William, Duke of Brunswick. Each count alleged the publication of a different libel.

The cause came on for trial, in the Court of Queen's Bench, in Middlesex, when the defendant obtained permission to withdraw his plea of not guilty, and pleaded guilty to the indictment.

*Platt*, in Michaelmas term, 1844, obtained a rule *nisi* to arrest the judgment or to quash the indictment, on the ground, that the caption of the indictment, which stated that the indictment was presented and found a true bill on the 28th of November 1842, did not shew that the prosecutor had been bound by a recognizance to prosecute the defendant before the Sessions at which the

indictment was so found. The affidavits shewed that the Duke of Brunswick (the prosecutor) had, in fact, on the 2nd of December 1842 entered into a recognizance before a single Police Magistrate, in the following terms: "To appear at the Sessions of oyer and terminer and gaol delivery, *now holding* for the jurisdiction of the Central Criminal Court, &c. and prefer a bill of indictment, &c. against Barnard Gregory for a libel," and that he had accordingly on the same 2nd of December, after entering into the recognizance, attended and preferred the bill of indictment, the Sessions of the 28th of November having been continued till the 2nd of December. It was upon these facts, objected, that the recognizance was entered into too late, and that the grand jury had therefore no jurisdiction to find the bill; and next, that there was a variance between the recognizance and the indictment, the recognizance being to prosecute for a libel, and the indictment being for eleven libels. He likewise objected that the indictment contained no proper venue.

*Talfourd, Serj. and Wordsworth*, in this term (April 24), shewed cause.—It is not necessary that it should appear upon the face of the indictment that any recognizance had been entered into. If it be necessary, then all indictments for misdemeanours found at the Central Criminal Court since its institution are bad. The statute 4 & 5 Will. 4. c. 36. ss. 1. & 2. creates the Central Criminal Court, and gives it jurisdiction in all cases within its ambit. Section 13. enacts "that no bill of indictment for any misdemeanour (other than perjury or subornation of perjury) shall be presented to the grand jury to be summoned under the authority of the act, unless the prosecutor or other person presenting such indictment shall have been bound by recognizance to prosecute or give evidence at the Sessions to be held under the authority of the act." But this section is directory only, not imperative. At all events the objection as to the want of such recognizance, even if it might have been taken before the grand jury, or upon the plea of not guilty, cannot now be urged, after the defendant has removed the indictment by *certiorari*, has pleaded guilty to it, and has thereby confessed that it was preferred before a court of competent jurisdiction. The

Court will not after plea quash an indictment—*The King v. Marsh* (1). And here the affidavits shew that, in fact, the recognizance was entered into before the bill was preferred. The object of the 13th section has therefore been answered, which was to prevent persons from improperly preferring bills, and not afterwards proceeding with them. As to the alleged variance between the recognizance and the indictment preferred—

[LORD DENMAN, C.J.—You need not trouble yourself on that point.]

Lastly, the venue is sufficient. The words “Central Criminal Court” in the margin are surplusage, and immaterial. There is in the body of the indictment a common law venue, of parish and county, which is quite sufficient, after the removal of the indictment by *certiorari* and verdict thereon—*The King v. Connop* (2). The indictment has been drawn up in conformity with the decision of the Court in *The Queen v. Stowell* (3).

*Crowder and Peacock*, contra.—The 13th section of the statute 4 & 5 Will. 4. c. 36. is imperative, and not merely directory. Unless a recognizance to prosecute has been entered into before the sitting of the grand jury, the Central Criminal Court has no jurisdiction whatever to entertain a bill for misdemeanour. If that Court had no jurisdiction to find this bill, this Court will quash the indictment on its removal here by *certiorari*—*The King v. Williams* (4). *The King v. Carlton* (5) is an express authority that the grand jury had, in fact, no jurisdiction, there having been no recognizance entered into previous to the session.

[PATTESON, J.—It is impossible to tell from the report of that case what Tindal, C.J. really said. It is stated that an application was made to the Court to allow the prosecutor to be bound over in court to prosecute, so that another bill might be presented to the grand jury which was sitting, in order that the trial might take place at the then session; and Tindal, C.J. is reported to have said, “I think this cannot be done;” that may mean that the indictment could not be tried

at that session. Nor could it. That case cannot be used as an authority.]

The statute 4 & 5 Will. 4. c. 36. creates a fresh jurisdiction: it provides for the trial of offences in Middlesex, by a grand jury who may not be grand jurymen of Middlesex. It was necessary, therefore, that the caption of the indictment should shew that the grand jury in this case had jurisdiction, and that the requisites of the statute had been complied with—*Bac. Abr.* tit. ‘Indictment,’ (I), citing 2 *Hawk. P.C.* 25. ss. 119, 123, and 126. Even had it appeared on the caption here that the recognizance was taken (as the fact was) on the 2nd of December, it would have been insufficient, because the caption expressly states that the bill was found on the previous 28th of November.

[PATTESON, J.—There does not seem to be any provision in the statute, directing before whom the recognizance is to be taken. Acts of Parliament generally say before whom the recognizances which they direct shall be entered into, shall be taken.]

As to the venue. This is not an indictment preferred and tried in the Central Criminal Court. If it were, the allegation as to the venue would by section 3. of the statute 4 & 5 Will. 4. c. 36. be sufficient. But if the venue as far as regards the Central Criminal Court is immaterial and rejected, then it appears to be an indictment for an offence committed in Middlesex, and found not by a grand jury of the county of Middlesex, but by a grand jury differently formed.

[WIGHTMAN, J.—There is this distinction between this case and *The Queen v. Stowell*, that there it did not appear in what county the offence charged was committed, nor that there was any jury who could try the offence, after the removal of the indictment by *certiorari*. But here there is a good common law venue.]

*Cur. adv. vult.*

The judgment of the Court was now delivered by—

LORD DENMAN, C.J.—In this case a doubt was raised, whether the judgment ought not to be arrested in consequence of the indictment not stating that the party had been bound over by recognizances to prosecute, before the Sessions at which the bill of indictment was found. We are clearly of

(1) 6 Ad. & El. 236; s.c. 6 Law J. Rep. (N.S.) M.C. 153.

(2) 4 Ibid. 942.

(3) 12 Law J. Rep. (N.S.) M.C. 111.

(4) 1 Barr. 385.

(5) 6 Car. & Pay. 651.

opinion, that it cannot be necessary that that should appear in the caption, and that therefore there is no ground for arresting the judgment. That is our opinion on the subject: if there is error, it may be the subject of a writ of error. With regard to the other matter,—the affidavits state that there had been no previous recognizances, and it is urged that we ought on that account to interfere and quash the indictment. We have considered the matter, and we think that we ought not to take that step. By the statute establishing the Central Criminal Court, power is given to the grand jury of that court in the largest terms possible, to try all offences within their jurisdiction; and then the 13th section says, that no bill shall be presented before the grand jury at that Central Criminal Court unless the party shall have been bound over by recognizance (not saying where it is to be taken) to prosecute or give evidence at the Sessions to be held—that is, some future Session. It appears that upon one occasion my Lord Chief Justice was applied to, to permit a party to be bound over in court at the Sessions in order to comply with that clause. We think he was perfectly right in refusing to permit that to be done. In fact, it would have been clearly too late for the purpose of removing the objection. We consider that all he did or meant to do on that occasion was so to decline to act; not that he meant to give any opinion at all on the true construction of the statute, and still less upon the result of a non-compliance with the directions of the 13th section. As we find that general power given to the grand jury, and as we find also that, although it is directed by the statute that no bill shall be presented before that grand jury without recognizances being entered into, yet no consequences attach upon its being so presented, we think, that those general words ought to have their effect; and the particular words, whatever they may import, and whatever the object may have been for introducing them, do not limit the power of the grand jury to find the bill, or of the petit jury to proceed upon it, or of the party to plead guilty. We therefore discharge the rule. The question whether the number of libels charged in the indictment makes a variance (as it were) between the indictment and the recognizance does not at all arise. The point that we

decide upon makes it quite immaterial to inquire into that question, because we have considered the matter as if no recognizance had been previously entered into at all.

*Rule discharged.*

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1845. } THE QUEEN v. THE JUSTICES  
May 1, 15. } OF DERBYSHIRE.

*Highway Rates — Order of Justices, when made—Appeal against—within what time.*

*Two Justices at special sessions, on the 23rd of April, acting under the stat. 4 & 5 Vict. c. 59, after hearing evidence and examining (among other witnesses) the surveyor of the roads in a parish, expressed their determination to make an order on him, as such surveyor, to pay a sum of money to the trustees of the turnpike road. The form of an order in writing was then and there signed by them, in blank, the blanks being afterwards filled up by their clerk, in conformity with their verbally expressed decision. No copy of the order in writing was served on the surveyor for six weeks afterwards:—Held, that the order was made on the 23rd of April, and that notice of grounds of appeal given more than six days after the 23rd of April, was too late.*

A rule nisi had been obtained for a mandamus to the Justices of Derbyshire, commanding them to enter continuances and hear an appeal of the surveyor of highways for the parish of Hartshorne, against an order of two Justices, whereby he was ordered to pay the sum of 100*l.* out of the highway rate to the treasurer of the trustees of a turnpike road in the said parish. It appeared from the affidavits that, in pursuance of a notice which had been previously served upon the surveyor of the highways, the acting surveyor attended a special Sessions of the highways, held on the 23rd of April 1844, when an information was exhibited by the clerk to the trustees of the turnpike roads, that the funds of the turnpike roads were insufficient for the repairs of such part of the turnpike road as was situate in the parish of Hartshorne. The Justices, after hearing the case and examining witnesses, expressed their

determination to make the order in question under the stat. 4 & 5 Vict. c. 59(1); and it was admitted in the affidavit of the surveyor of Hartshorne, that though he did not hear the order made by the Magistrates, yet, as a matter of hearsay, he understood it had been made. It appeared that the two Justices signed the form of an order in writing, previously prepared by the clerk to the trustees, in blank, blanks being left for the length of the road, the sum of money to be paid, and other particulars.

(1) By section 1. of that statute it is enacted, "That it shall be lawful for the Justices at any special sessions for the highways holden after the passing of this act, upon information exhibited before them by the clerk or treasurer of any turnpike trust that the funds of the said trust are insufficient for the repairs of the turnpike roads within any parish, notice in writing of such intended information having been previously given on the part of such clerk or treasurer to the parish surveyor twenty-one days at least before such special Sessions, to examine the state of the revenues and debts of such turnpike trusts, and to inquire into the state and condition of the repairs of the roads within the same, and also to ascertain the length of the roads, including turnpike roads, within such parish, and how much of such road is turnpike road, and if, after such examination, it shall appear to the said Justices necessary or expedient for the purposes of the said turnpike roads so to do, then to adjudge and order what portion, if any, of the rate or assessment levied or to be levied by virtue of the said recited act, shall be paid by the said parish surveyor, and at what time or times, to the said commissioners or trustees, or to their treasurer or other officers appointed by them in that behalf, such money to be wholly laid out in the actual repairs of such part of such turnpike road as lies within the parish from which it was received."

Section 3. provides, "That if any person shall think himself aggrieved by any order, judgment or determination made, or by any matter or thing done by any Justices of the Peace, at any such special Sessions, in pursuance of the act, such person shall be at liberty to make his complaint thereof by appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace, to be holden for the county or place wherein the cause of such complaint shall arise, such appellant first giving to such Justices ten days' notice in writing of the grounds of such appeal, within six days after such order, judgment or determination shall be so made or given as aforesaid, who are hereby required, within forty-eight hours after the receipt of such notice, to return all proceedings whatever had before them respectively, touching the matter of such appeal, to the said Justices, at the General or Quarter Sessions aforesaid, &c. provided that it shall not be lawful for the appellant to be heard in support of such appeal, unless such notice and statement shall have been so given as aforesaid."

These blanks were, subsequently to the signature of the Magistrates, (but at what precise time was not stated) filled up by their clerk, in accordance with the expressed determination of the Magistrates. The order, when completed, purported to be made on the 23rd of April, and directed that payment of one half of the 100*l.* should be made on the 1st of June then next, and the remaining half on the 1st of September. It appeared that on the following 11th of June, a written application for payment of the 50*l.* directed to be paid on the 1st of June, was sent by the clerk to the trustees to the surveyor of Hartshorne. No copy of the order was served upon the surveyor until the 5th of July. On the 11th of July the surveyor gave notice of appeal to the Justices, describing it as an order dated the 23rd of April. At the Michaelmas Sessions, when the appeal came on to be heard, the counsel for the respondents objected that the notice of appeal was not given in due time, inasmuch as the statute 4 & 5 Vict. c. 59. requires the notice to be given within six days after the order shall be made or given, not six days after the service thereof, and that the order in this case was made on the 23rd of April; upon this objection the appeal was dismissed.

*Whitehurst* and *Wilmore* shewed cause (May 1), and contended, that the Sessions were right. This was a good and valid order on the 23rd of April. The appellant knew of it then. He had further distinct written notice of it on the 11th of June. *The King v. the Justices of Pembrokeshire* (2) and *The King v. the Justices of Staffordshire* (3) are authorities for the respondents. An order is complete as soon as made, whether served or not. There is no analogy between such an order and rules of court, which, by the practice of the Court, only operate from the time of service. They referred also to *Proser v. Hyde* (4).

*Clarke, Serj.* and *Wildman*, contra.—The statute 4 & 5 Vict. c. 59. is of a similar nature to the statute 4 Geo. 4. c. 95; and in *The King v. the Justices of Lancashire* (5), decided upon the last-mentioned statute, it was held that no cause of complaint

(2) 2 East, 213.

(3) 3 *Ibid.* 151.

(4) 1 Term Rep. 414.

(5) 8 B. & C. 593; s. c. 6 Law J. Rep. M.C. 119.

arose until a copy of the order in writing had been served, and that a notice of appeal given within six days from that time was valid. What is the party to appeal against if no order in writing exist? That it must be in writing is shewn by the provision in the statute (sec. 3.) which requires that all proceedings must be returned to the Sessions. It would be a good ground of appeal that the order was signed in blank; but how is the party to arrive at the fact that it was signed in blank, until he be served with a copy? Or how can it be determined at a future time what the order really was? If the verbal declaration of the Magistrates be the order, and it be appealed against, the written document returned to the Sessions may be different from the verbal declaration. Who is to decide whether it be varied or not? In the case of a conviction, a good form may be drawn up and returned to the Sessions in lieu of an invalid one, but this cannot be done in the case of an order—*The King v. the Justices of Cheshire* (6). The words "order made or given," in the first section of the statute 4 & 5 Vict. c. 59, leave the party the option of appealing either from the time the order is made or from the service of it.

*Cur. adv. vult.*

The judgment of the Court was now (May 15) delivered by—

LORD DENMAN, C.J., who, after recapitulating the facts, proceeded—The point raised is whether the order can be said to have been made on the 23rd of April when it was agreed upon, or whether it was made on the day it was served. In the former case the notice of appeal was too late, and the Sessions were right; in the latter it came in due time, and the appeal ought still to be heard. The learned counsel who opposed the rule relied on two cases as decisive authorities in their favour. *The King v. the Justices of Pembrokeshire*, however, undoubtedly went upon no ground inconsistent with the opposite view. The order there was for stopping a road; it was made in April, and appealed against at the Michaelmas Session. The three learned Judges who held that appeal too late, all

(6) 5 B. & Ad. 439; s.c. 2 Law J. Rep. (N.S.) M.C.95.

observed that it was too late at all events; for the affidavits shewed, and it had been proved at the Sessions, that the appellant had notice of what was going on in the month of April. In Michaelmas term following the Court held, in *The King v. the Justices of Staffordshire*, that the time for giving notice of appeal against an order for stopping a road must be reckoned from the order made or proceeding had, and not from that of notice to the party aggrieved. There the words of the statute were held imperative on the Court. Le Blanc, J. observes, "In the case of a public highway, all the king's subjects may be said to be interested, and there never would be an end of the time for appealing if the right of appeal were to depend on personal notice of the order to the appellant." On the other hand, the case of *The King v. the Justices of Lancashire* was cited, in which the statute gives the right of appeal against an order exactly similar to the present, only that the words are, that notice of appeal must be sent "within six days after the cause of such complaint shall arise," dating the right of appeal from the cause of complaint; whereas this act dates it from the time of the order made or given. And there the Court held, that the cause of complaint arose at the time of serving the order. The reasons assigned by Bayley, J. are perfectly applicable to the present case; they were agreed to by Holroyd, J. and Littledale, J., and we think them sound in principle. The two cases before mentioned were referred to in the argument, but are not noticed in the judgment, probably because they are entirely dissimilar. But although we were much inclined to think the present case was ruled by the decision in *The King v. the Justices of Lancashire*, there is an obvious distinction between the language of the two statutes. The cause of complaint may well be taken to mean something directly affecting the party appealing, or at any rate brought to his knowledge. The period fixed in the present act is the making or giving of the order, judgment or determination, which is too distinct and express to admit of being varied by any gloss of construction. We may add, that the act provides some means for giving notoriety to the proceedings at the petty sessions, and even notice to parties

directly interested in opposing the making of such an order.

We are of opinion that the Court of Quarter Sessions properly considered the order to have been made at the petty sessions on the facts disclosed on affidavits as having appeared before them, and that the period of the order made is that to which the act of parliament refers, and the time within which the notice is to be given. We think, therefore, the Sessions were right, and the rule must be discharged.

*Rule discharged.*

1845. }  
April 26. } THE QUEEN v. PERKIN.

*Coroner—Deputy, Jurisdiction of—Inquisition.*

*An inquisition purported to be taken before R. D. coroner for the county of W, and was signed as follows: "R. D. coroner, by E. M. his deputy duly appointed." The inquisition was in fact taken, the jury sworn, super visum corporis, the witnesses examined, and the inquisition signed by E. M. the deputy. R. D. was not present when the jury were sworn, being engaged in holding another inquest at a distance. He returned in time to be present during the greater part of the examination of the witnesses, but did not personally act as coroner:—Held, that the absence of D, when the inquest began, was occasioned by a lawful and reasonable cause; that his presence afterwards did not vitiate the proceedings, which M. had authority to conduct; and that the inquisition was properly framed and signed.*

In Michaelmas term last a rule was obtained, calling on Ralph Docker, one of the coroners for the county of Worcester, and S. H. to shew cause why an inquisition brought up by *certiorari* should not be quashed.

The inquisition was as follows:—

"Worcestershire, to wit.—An inquisition indented, taken for our sovereign lady the Queen, in the parish of Oldswinford, in the county of Worcester, the 7th day of October, A.D. 1844, before Ralph Docker, one of the coroners of our said lady the Queen, for the said county of Worcester, upon view of the

body of E. H, then and there lying dead, upon the oath of J. B. &c., (setting out the jurors' names,) good and lawful men of the said county, duly summoned, and who being then and there sworn and charged to inquire for our said lady the Queen, when, where, how, and by what means the said E. H. came to her death, do upon their oath say, that the said E. H, upon the 6th day of October, in the year aforesaid, at the parish aforesaid, in the county aforesaid, suddenly departed this life in a natural way, and not from hurt or injury received from any person or persons whomsoever, to the knowledge or belief of the said jurors. In witness whereof, as well the said coroner as the foreman of the said jurors and the rest of his said fellows, have to this inquisition set their hands and seals, the day, year, and place first above written.

"Ralph Docker, (L.S.) }  
coroner, by Edward Moore, } Signed and  
his deputy duly appointed," } sealed by all  
&c. } the jurors.

The affidavit of John Perkin, on which the rule was granted, stated, that as constable, he had on the 6th of October 1844, applied to and received from Edward Moore, the deputy coroner, his precept, under his hand and seal as deputy coroner, to summon a jury to hold an inquest on the body of E. H; that the jury attended accordingly, on the 7th of October, and were sworn by the said Edward Moore, and the jury so sworn attended and viewed the body of E. H, but that Ralph Docker was not present at the time the jury were sworn, and was not present and did not view the body in the presence of the jury; that several witnesses were examined by the said Edward Moore; that during part of the time, while Moore was examining witnesses, Docker was present, but did not act as coroner on the occasion; that Docker did not sign the inquisition, and that in the judgment and belief of the deponent, Docker was at the time of holding the inquest in good health, and was not at any time during the holding the same absent from any lawful cause.

The affidavits of Docker and Moore, in opposition to the rule, stated, that Moore was the deputy coroner duly appointed; that his residence was seven miles nearer to the spot where the body of E. H. was lying



than the residence of Docker ; that Docker had at 12 o'clock at noon, on the 7th of October, attended at Oldswinford, for the purpose of proceeding with an adjourned inquest on the body of a child, and had then heard from Moore of the precept issued by him respecting the inquisition on the body of E. H. Docker's affidavit proceeded to state, that, believing the adjourned inquiry respecting the death of the child would be long and protracted, he requested Moore to proceed to take the inquisition on the body of E. H, which he accordingly did ; that he himself proceeded with the adjourned inquest on the child, which occupied only a short space of time ; and he thereupon returned to the place where Moore, who had sworn the jury, was proceeding with the inquisition ; that the death of E. H. appeared to have occasioned considerable excitement, &c., and he "was induced in consequence of such apparent excitement, to view the body of the said E. H, and to remain and be present during the taking of the greater portion of the evidence taken on the said inquisition, for the purpose of making any suggestion to the said Edward Moore which might appear to him (Docker) calculated to facilitate the said inquiry."

It was objected, first, that the inquisition ought to have been taken before Docker, and not before Moore, as deputy, inasmuch as Docker was present during a part of the time, and was not absent from illness, or from any lawful or reasonable cause. Secondly, that having been, in fact, taken before Moore, as deputy, it ought to have purported to have been so taken, and should have been signed and sealed by Moore accordingly, as the person before whom it was taken.

*Godson* now shewed cause.—The stat. 6 & 7 Vict. c. 83. s. 1, gives coroners power to nominate a permanent deputy, and provides that "all inquests taken and other acts performed by any such deputy coroner, under and by virtue of any such appointment, shall be deemed and taken to all intents and purposes whatsoever to be the acts and deeds of the coroner, by whom such appointment was made ; provided that no such deputy shall act for any such coroner as aforesaid, except during the illness of the said coroner, or during his absence from any lawful or reasonable cause."

Moore was duly appointed deputy ; he had, therefore, authority to hold the inquest, in the lawful absence of Docker. The affidavits shew that Docker was lawfully absent, and his accidental presence during a portion of the time, during which he did not act as coroner, did not supersede or extinguish the authority of his deputy. Secondly, the inquisition is good on the face of it. It properly purports to be taken before Docker, the principal, who had authority to allow his name to be written by his deputy. If the words "by Edward Moore, his deputy duly appointed," had not been added, no question could have arisen.

*Jervis*, contra.—Admitting that Moore was duly appointed deputy, he had only authority to hold the inquest in the absence of Docker ; but the affidavit of Docker himself shews that he was present. The question, therefore, as to whether there was any lawful or reasonable cause for his absence, does not arise. Moore ceased to have jurisdiction upon Docker's return. Docker appears to have viewed the body, and to have signed the inquisition by Moore, while Moore appears to have examined the witnesses. The duty, therefore, was divided between them : either the whole of the proceedings should have been by the principal, or the whole by the deputy. But if the Court shall consider that Docker was not present, his absence was not justified by the facts stated. It was not intended that the coroner, by his deputy, should be holding inquests at different places at the same time.

LORD DENMAN, C.J.—I think that giving a reasonable construction to the act of parliament, this was an acting by the deputy for the coroner, during the absence of the latter. The inquest began in his absence, and it sufficiently appears that that absence was occasioned by a lawful and reasonable cause. I cannot see that the accidental presence of the principal afterwards, during a part of the proceedings, can make that bad which was properly begun. As to the form of the inquisition, there appears to me no objection in it. Even supposing the words "by Edward Moore, his deputy, duly appointed," ought not to have been there, they are but surplusage ; but I think they were properly inserted.

PATTERSON, J.—I apprehend, as to the last point, that the signature would have been wrong, had it been other than it is. It is laid down in *Comyns's Digest*, tit. 'Attorney,' (C, 14,) "If a man, who acts by the authority of another and as his attorney, does it in his own name, and as his own proper act, it will be void; for he represents his master, and ought to do it in his name, or at least, ought to express, that he does it as attorney to such a one." The form of the inquisition is, therefore, quite right. As to the absence of Docker in the first instance, it was occasioned by a reasonable cause, the necessity of his being present as coroner at another place. Moore, the deputy, therefore, properly began to take the inquisition, and his jurisdiction was not superseded by the return of his principal. What took place after his return was not a new inquisition, but a continuation by Moore of that which had been properly begun.

WILLIAMS, J.—The statute says, that all inquests taken and other acts performed by any deputy coroner, shall be deemed and taken to all intents and purposes whatsoever to be the acts and deeds of the coroner, by whom such deputy was appointed. Here, therefore, the inquisition, though in fact taken by Moore the deputy, is properly stated to be an inquisition before Docker, and the signature, even if not strictly correct,—although I agree it is correct,—is fully warranted.

WIGHTMAN, J.—As this inquisition was begun by Moore, Moore was bound to continue it, otherwise the objection raised by Mr. Jervis would have applied, and it would have appeared that part of the proceedings had been before the deputy and part before the coroner himself.

*Rule discharged.*

1845. } THE QUEEN v. THE INHABIT-  
April 23. } ANTS OF ORTON.

*Order of Removal—Evidence—Rate-books—Examination.*

*An overseer was served with a summons, signed by a Justice, requiring the overseer to appear before him and other Magistrates, at a place mentioned in the summons, to give evidence touching the settlement of a pauper,*

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*and to produce certain rate-books, the dates of which were also specified:—Held, that on the non-compliance with the summons, the Justices could not go into secondary evidence of the contents of the rate-books, and that an order of removal made on such secondary evidence could not stand.*

Upon an appeal against an order of two Justices of the county of Lancaster for the removal of Robert Pickthall, his wife, and three children, from the township of Burrow with Burrow, in the county of Lancaster, to the parish of Orton, in the county of Westmoreland, the Sessions confirmed the order, subject to the opinion of the Court of Queen's Bench, on the following

#### CASE.

The material part of the examinations on which the order was made, and which were duly sent to the appellant parish, were as follows:—"Robert Pickthall, on his oath, saith, I was born, as I believe, in the township of Dent, in the West Riding of Yorkshire, and am now fifty years old; six years ago, that is to say, in the year 1837, I took of the Rev. Mr. Saurey, of Stainmore, a farm situate in the parish of Orton, called Raisegill Hall, for the term of two years, at the rent of 36*l.* per annum. I occupied and resided upon the same, under the said taking, from Whitsuntide, 1837, for the two years then next ensuing, and paid the whole rent for the same, and all poor-rates for the said term. In 1839 I took the said farm for the further term of five years, and continued to occupy and reside upon the same for the two years then next following, paying all the rent for those two years, and also all the poor-rates. In 1842 I went to Ingleton, and occupied a beer-house there, called the New Inn, but I did not pay to poor-rates there.—John Tennant, on his oath, saith, At the request of the overseers of Burrow with Burrow, I served on Thursday last a summons, of which the following is a copy, on James Ellwood, one of the overseers of the poor of the parish of Orton aforesaid, in the said county of Westmoreland. He admitted that Robert Pickthall, the pauper, belonged to their parish; he talked about appearing here to-day, in pursuance of the said summons; but I have not seen him here to-day. I saw the pauper's name in the

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Orton poor-rate book, for the year 1840, in respect of the Raisegill Hall estate.

Summons to witness.—County of Lancaster.—“You are hereby, in her Majesty’s name, required to be and personally to appear before me, or such other of her Majesty’s Justices of the Peace and quorum, in and for the said county, as shall be present at the Rose and Crown Hotel, in Kirkby Lonsdale, in the county of Westmoreland, on Thursday, the 6th day of July, now next ensuing, at 11 o’clock in the forenoon, to give such evidence as you know, touching the settlement of Robert Pickthall, formerly of the parish of Orton, but now resident and chargeable to the township of Burrow with Burrow, in the county of Lancaster; and to bring with you, and produce before the said Justices all books of rates or assessments, made for the relief of the poor, within your parish, during the years 1837, 1838, 1839, 1840 and 1841.—Herein fail not at your peril.—Dated the 29th day of June A.D. 1843.

“William Gillison Bell, (L.S.).”

Addressed “To the overseers of the poor of the parish of Orton, in the said county of Orton.”

The appellants duly served notice of appeal, and the grounds of such appeal are as follows: first, that the order and examinations on which the same are grounded, are bad and defective in point of law; and the said examinations contain no evidence on which the said order can or ought to have been legally made or founded. And that if legal evidence of such settlement was given before the said Justices making the said order, no copy of such examination hath been sent to us, by you, the said overseers and churchwardens of the said township of Burrow, pursuant to the statute, nor was there any evidence given to or before the said Justices, that the said Robert Pickthall had ever been assessed to the poor-rates of the said farm or farms, or in any way or manner whatsoever. The appellants, also, traversed the settlement of the pauper in Orton, and also set up a subsequent settlement gained by the pauper Robert Pickthall, in the township of Ingleton, by renting a tenement in that parish, for the term of one whole year, in the year 1842, and paying the rates, &c.

At the trial of the said appeal, the respon-

dents proceeded to prove the settlement in Orton, by renting a tenement, according to the facts stated in the examinations; and the appellants objected that the respondents could not give evidence of any rating and assessment, on account of the deficiency of the examinations in that respect. The Court, however, overruled the objection, subject to the opinion of the Court of Queen’s Bench, and the respondents then proved a settlement in Orton, by renting the said tenement called Raisegill Hall, and by being assessed to the poor-rate, and paying the same for such tenement for one year. The appellants then proved a renting by the pauper of a tenement in the parish of Ingleton, of one Lambert, from May-day 1842 to May-day 1843, and an occupation by the pauper from March 1842 to May-day 1843, under that renting; and the payment by the pauper of two rates, one for January 1842, and the other for April 1842; but it appeared that there was no payment by the pauper of any rate made between May-day 1842 and May-day 1843, when his occupation ceased. The Sessions found as a fact, that the tenancy under Lambert commenced at May-day 1842. The Court of Quarter Sessions confirmed the order, subject to the opinion of this Court on two points: first, whether the respondents were entitled to go into evidence, at the trial of the appeal, of the assessment and rating in Orton; and, secondly, whether as the pauper was not assessed after May-day 1842, to any rate which he paid, the facts stated were sufficient, since the 4 & 5 Will. 4. c. 76. s. 66, to prove a subsequent settlement in Ingleton. If the Court of Queen’s Bench should be of opinion that the respondents were not entitled to go into such evidence, or that the facts above stated as to the assessment and payment of rates in Ingleton, were not sufficient for a settlement in the latter township, then the order was to be quashed, otherwise to stand confirmed.

*Drinkwater and Pashley*, in support of the order of Sessions.—The examinations shew that the Magistrates took all practicable means to get the best evidence of the rating of the pauper in Orton; and, therefore, the statement of that which amounts to secondary evidence is sufficient to establish such rating. It may be ad-

mitted that parol evidence is not to be given of the contents of rate-books, which are not produced, and which no notice has been given to produce—*The King v. Coppull* (1), but here notice to produce was given, which brings it within the authority of *The Queen v. Staple Fitzpaine* (2), *The Queen v. Mildenhall* (3); and the opposite party, with full knowledge of the purpose for which they are required, refuses to produce them. There is no doubt that the overseer was served with the summons, as he admitted such service. The Justices could not compel the overseer to produce the rate-book—*The King v. Woburn* (4), *Worrall v. Jones* (5) even since the statute 6 & 7 Vict. c. 101. s. 70. The Magistrates might therefore act upon his admissions—*The King v. Hardwick* (6). The principle is the same as in those cases in which a party has an opportunity of cross-examining and does not—*Cazenove v. Vaughan* (7). When the overseer is required to produce the rate-books, he becomes a party, and a subpoena does not lie. It cannot be objected that the summons was not in form sufficient to operate as a notice to produce. No technical or particular form of words is necessary to constitute a good notice—*Smith v. Young* (8), and it may even be by parol. This summons is directed to the overseers, and is quite explicit as to the time and place at which they are to appear, and as to what they are to bring with them; and further, there is the direct admission that the pauper belonged to the appellant parish.

Then as to the second objection, it being found that the tenancy commenced at May-day 1842, there has been no payment of rates under the yearly hiring to satisfy the 6 Geo. 4. c. 67.

*Archbold and Otter*, contra.—It may be taken as admitted on the other side, that, unless the document called a summons amounts to a notice to produce, the examination is insufficient. How then can this be called a notice, which is not sent by or

on behalf of one party to another, but emanates from the Magistrate, and is under his seal? Again, how could there be a notice to produce at a time when there were no parties to any suit or proceeding? The objection arises before even an order of removal is made. The proper course would have been to have procured a subpoena from the Crown Office, in obedience to which the overseer would have been compelled to attend; and if he attended, and refused to produce the rate-books, then, and not till then, could secondary evidence be given of their contents. The case of *The Queen v. Staple Fitzpaine* is in favour of the objection. That case was decided on the ground that the notice of appeal did not raise the question. The statute 7 & 8 Vict. c. 101. s. 70. now enables Justices, by summons and warrant, to compel the appearance of witnesses, and the giving evidence before them. As to the second objection, the appellants proved a settlement by rating. (They were then stopped.)

LORD DENMAN, C.J.—We think that the first objection is fatal, and that the order of Sessions cannot stand. The objection is that no legal evidence of any assessment was given before the removing Magistrates, and that objection is taken in the grounds of appeal. It is necessary to proceed in these matters on legal principles, and if there is no evidence at all of the assessment, or such evidence as is not admissible, the examination is bad. There are means by which a party is compellable to produce documents, and these means should have been resorted to; this has not been done.

PATTESON, J.—I am sorry to be obliged to yield to an objection of this sort.

WILLIAMS, J. and WIGHTMAN, J. concurred.

#### Order of Sessions quashed.

1845. { THE QUEEN v. THE JUSTICES OF  
April 24. { THE NORTH RIDING OF YORK-  
SHIRE, in the matter of LUNN.

*Highway—Appeal, Notice of—Service on Justices*—5 & 6 Will. 4. c. 50. s. 105.

*Notice of appeal to the Quarter Sessions, by a party convicted by Justices under the General Highway Act, 5 & 6 Will. 4. c. 50.*

(1) 2 East, 25.

(2) 2 Q.B. Rep. 488; s. c. 11 Law J. Rep. (N.S.) M.C. 38.

(3) Ibid. 517; s. c. 11 Law J. Rep. (N.S.) M.C. 107.

(4) 10 East, 395.

(5) 5 Bing. 399; s. c. 4 Law J. Rep. C.P.

(6) 11 East, 578.

(7) 1 Mau. & Selw. 4.

(8) 1 Campb. 439.

*s. 105, need not be personally served upon the convicting Justices.*

This was a rule calling upon the Justices of the North Riding of Yorkshire to shew cause why a mandamus should not issue to them, commanding them to cause continuances to be entered, and to hear an appeal by William Lunn against his conviction by three Justices, of an offence under the Highway Act, 5 & 6 Will. 4. c. 50. s. 72. The affidavits on which the rule was obtained stated, that Lunn had within fourteen days after his conviction, left a written notice of his intention to bring his appeal, together with a statement in writing of the grounds of such appeal, at the dwelling-house of each of the three Justices. It appeared from the notes of the chairman of the Court of Quarter Sessions, that at the sessions the respondents' counsel objected that there should have been personal service of notice of appeal upon the Justices; and the Court of Quarter Sessions, after referring to the case of *The Queen v. the Justices of Bedfordshire* (1), dismissed the appeal, on the ground that personal service was necessary.

*Tomlinson* now shewed cause.—The mandamus ought not to issue. The appeal against the order of Justices is of a penal nature, for the Sessions have power, by section 105. of the 5 & 6 Will. 4. c. 50, to award costs against the respondents—*The Queen v. the Justices of Hertfordshire* (2). The act does not expressly direct any mode of service, and therefore it may be contended that personal service is necessary; or at least, if service at the dwelling-house be sufficient, it ought to be accompanied by some evidence to shew that the notice has reached the hands of the Justices. Here the affidavits shew nothing more than a leaving the notice at the house, without any statement that it was delivered to any servant, or that any explanation of it was given.

[WIGHTMAN, J.—In the case of *The Queen v. the Justices of Bedfordshire*, nothing was said about the mode of service. Suppose it is impossible to serve the Justice personally: he may refuse to be seen. And

(1) 11 Ad. & El. 134; s. c. 9 Law J. Rep. (N.S.) M.C. 8.

(2) *Ante*, p. 73.

the notice must be given within fourteen days.]

At least the appellant should use due diligence, and state what steps he has taken to endeavour to effect service. In analogous cases, either personal service or reasonable proof that the process has reached the party to be affected, or a statement of the causes which have prevented actual service, is required. Thus, in order to ground an attachment, there must be personal service of the order which is disobeyed—so of a writ of mandamus. To obtain a *distringas*, there must be proof that the party is keeping out of the way to avoid process—to prove service of a declaration in ejectment, there must be evidence to shew that it has reached the hands of the party. Wherever the mere leaving of a notice at a dwelling-house is sufficient, it is because there has been an express statutory enactment to that effect.

*Bliss*, *contra*.—The appeal was dismissed by the Sessions, on the ground that personal service of the notice was necessary. (He was then stopped.)

*Per Curiam*.—That rule, certainly, cannot be maintained.

*Rule absolute.*

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1845. } THE QUEEN v. THE INHABITANTS OF SEVENOAKS.  
April 23, 30. }

*Appeal—Order of Removal—“Next practicable Sessions”—Jurisdiction—Party aggrieved—Certiorari, Notice on Magistrates under 13 Geo. 2. c. 15. s. 5.*

*An order of removal was served on the 7th of August. Notice and grounds of appeal (dated September 6), “for the then next Sessions,” were served on the 14th of October. The next Sessions were held on the 17th of October. By the practice of Sessions eight days' notice of trial of an appeal is required. Neither party attended at the October Sessions, and it was stated on affidavit that the deponent (the respondent's attorney) was informed and believed that no appeal was then entered. At the Epiphany Sessions, in the absence of the respondents, no further notice of trial having been given, the order of removal was quashed, with 5l. costs:—Held, that this was a grievance*

*entitling the respondents to apply to have the order of Sessions quashed; and that the Sessions had acted without jurisdiction in entertaining the appeal.*

*Held also, that an affidavit of service of notice of certiorari under 13 Geo. 2. c. 18. s. 5. on A. and B, "two of the Justices present at the Sessions at which the order was made, and who are two of the same Justices whose names are mentioned in the heading or caption of the said order," was, under the circumstances, sufficient as against the appellent parish.*

On the 29th of July 1843 an order was made under the hands and seals of two Justices of the county of Kent, for the removal of Elizabeth Quinell from the parish of Sevenoaks to the parish of St. Luke's. By another order of the same date the said order was suspended. On the 17th of August a copy of the orders and examinations were sent to the overseers of St. Luke's. On the 14th of October a notice of appeal "for the then next Sessions" for the county of Kent, together with grounds of appeal, both dated September 6, were served, by the churchwardens and overseers of St. Luke's, upon the overseers of Sevenoaks. The next Sessions for the county of Kent, after the service of the notice of appeal, were held on the 17th of October. By the practice of the Sessions eight clear days' notice of trial of an appeal against an order of removal is required. No one attended on the part of the parish of Sevenoaks at the Sessions on the 17th of October, nor at the following Epiphany Sessions. It did not appear that anything further was heard about the appeal by the parish of Sevenoaks until the 17th of February 1844, when the overseers of Sevenoaks were served with a copy of the following order of Sessions:—

"Kent. At the General Quarter Sessions of the Peace of our Lady the Queen, holden at Maidstone, in and for the county of Kent, on Thursday in the week next after the 28th day of December, to wit, the 4th day of January, in the seventh year of the reign of our Sovereign Lady Victoria, &c. before Joseph Berens, James Jacobson, John Malcolm, Esquires, and others their associates, Justices of our said Lady the Queen, assigned to keep the peace, &c.

"Upon an appeal made unto this Court by the inhabitants of the parish of St. Luke in the county of Middlesex, from an order made by two of Her Majesty's Justices of the Peace for this county, for the removal of Elizabeth Quinell from the parish of Sevenoaks in this county, to the said parish of St. Luke, there to be provided for. Now upon reading the said order and hearing counsel and what could be alleged on both sides, it is ordered by this Court, that the said order so made by the said Justices, be, and the same is hereby in all points, quashed. And it is further ordered by this Court, that the overseers of the poor of the said parish of Sevenoaks do forthwith pay unto the overseers of the poor of the said parish of St. Luke the sum of 5*l.*, for and towards the costs and charges they have been at in and about the said appeal.

"By the Court," &c.

In Easter term 1844—

*Deedes* obtained a rule *nisi* for a *certiorari* to remove the order of Sessions into this Court.—The rule was granted on affidavits of the overseers of the parish of Sevenoaks, and also on the affidavit of Mr. Holcroft, one of the attornies for the respondent parish. He deposed that he and his partner were retained and employed by and on behalf of the inhabitants of the parish of Sevenoaks, in the prosecuting and conducting of an appeal, in which the said inhabitants were the respondents; and that he did, on the 25th day of April 1844, serve Joseph Berens, Esq. and James Jacobson, Esq., two of her Majesty's Justices of the Peace, in and for the said county, with the notices thereunto annexed. And that the said Joseph Berens, Esq. and James Jacobson, Esq., were two of the Justices present at the said General Quarter Sessions of the Peace, at which the said order in the said notice mentioned was made, and are two of the same Justices whose names appear and are mentioned in the heading or caption of the said order.

The notice was in the usual form, and was signed,

"Austin & Holcroft, attornies for the inhabitants of the said parish of Sevenoaks."

It was further stated in the affidavit, that no appeal was prosecuted or entered and respited by or on behalf of the said parish of St. Luke against the said order of re-

moval at the Sessions, held on the 17th of October 1843, as the deponent was informed and believed.

No cause being shewn against the rule for bringing up the order of Sessions, it was, in Trinity term, 1844, made absolute.

In Michaelmas term—

*Deedes* obtained a rule *nisi* for quashing the order of Sessions for insufficiency.—This rule was drawn up upon reading the return to the *certiorari*, and the several affidavits on which the former rule had been obtained; and the ground of his motion was, that no appeal having been entered at the October Sessions, the Justices had no jurisdiction to entertain the appeal at the January Sessions.

On the 18th of January 1845,—

*Pashley* obtained a rule *nisi* for quashing the *certiorari*; first, on the ground that the notice of *certiorari* did not appear to have been served on two Magistrates present at the making of the order; secondly, that the application did not sufficiently appear to have been made on behalf of the parish of Sevenoaks.

*Deedes* shewed cause.—The first objection is taken on the authority of *The Queen v. Cartworth* (1), it not being in terms distinctly stated in the affidavit of service, that the Magistrates served were two of those before whom the order was made. But in this case, in addition to the fact of the names of these two Justices appearing on the caption of the Sessions, there is, at all events, a *prima facie* case, as against the appellants, as these very Magistrates are named in the order which the respondents seek to set aside, and which order having been made behind their backs, they have no means of knowing what Justices were present when it was made. In *The Queen v. Cartworth* the affidavit only stated that the Magistrates served were two of the Magistrates of the West Riding.

[*PATTESON, J.*—And in that case they might have been appointed as such since the making of the order. There was a case of *The Queen v. the Inhabitants of Darton* (2), before me in the Bail Court.]

This case is stronger than that, as the heading of the order shews it to be the order of the particular Magistrates. Secondly, it

(1) 13 Law J. Rep. (N.S.) M.C. 26.

(2) *Ante*, 41.

distinctly appears that the attornies who served the notice were authorized by the parish of Sevenoaks, and that the application is made on the behalf of that parish—*The King v. the Justices of Lancashire* (3), *The Queen v. the Justices of Lancashire* (4), *The Queen v. Solly* (5). Lastly, it is now too late to move to quash the *certiorari* after the parties below have neglected to come in and shew cause, which they might have done—*The King v. Wakefield* (6), *The King v. Nicholls* (7), *The Queen v. the Justices of Shrewsbury* (8), *The King v. Rattislaw* (9).

*Pashley*, in support of the rule for quashing the *certiorari*.—In every case in which the Court has been called upon to put a construction on the statute 13 Geo. 2. c. 18. s. 5. they have construed it strictly. The Court of Quarter Sessions may now be divided under the power given by the statute 5 & 6 Vict. c. 38. s. 4, and it may well be that the Magistrates who were served with the notice, though they were, in fact, present at the Sessions, were not present when the order was made.

[*WIGHTMAN, J.*—You have served the respondents with an order containing the two names in the heading.]

That is no ground for the presumption one way or the other. They extract the order from the minutes of the clerk of the peace. *The Queen v. Darton* is conclusive. It was there sworn that the Magistrates were present at the Sessions, which is all that the heading of this order can at most amount to. Secondly, it does not appear that the attornies who gave the notice had any authority to do so. They swear that they were retained by the parish of Sevenoaks to prosecute and conduct the appeal; but the appeal had terminated by the judgment of the Sessions, and the authority of the attornies thereby terminated also—*Rolle's Abr. tit. 'Attorney' (M)*, *Barker v. St. Quintin* (10). In *The King v. the Justices*

(3) 4 B. & Ald. 289.

(4) 11 Ad. & El. 144; s. c. 9 Law J. Rep. (N.S.) Q.B. 9.

(5) 9 Dowl. P.C. 115.

(6) 1 Burr. 485.

(7) 5 Term Rep. 281, n.

(8) 11 Ad. & El. 159; s. c. 10 Law J. Rep. (N.S.) M.C. 8.

(9) 5 Dowl. P.C. 539.

(10) 12 Mee. & Wels. 441; s. c. 13 Law J. Rep. (N.S.) Exch. 144.

of *Lancashire*, the Magistrates appeared and shewed cause against the rule for a *certiorari*. It is not sufficient for an attorney to swear that he is the attorney of the party; the affidavit should shew authority to act in the particular case—*Lewis v. Lord Tankerville* (11).

*Cur. adv. vult.*

The judgment of the Court was delivered (April 26) on a subsequent day, by—

LORD DENMAN, C.J.—This case is distinguishable from *The Queen v. the Justices of the West Riding of Yorkshire* (12). There it appears from the facts of the case that both parties were present at the Sessions, and that the Sessions confirmed the order, subject to the opinion of this Court on a case. It is not there stated that the Justices who were served with the notice of the application for a *certiorari* were members of the Court, or were present on the day when the case was heard. In this case the parties applying for the *certiorari* were not at the Sessions, and a copy of what took place at the Sessions was sent to them by the opposite parties. That copy states the order of Sessions, and the heading or caption of the order contains the names of Joseph Berens and James Jacobson, amongst others, as two of the Justices before whom the said order was made. Then, the affidavit of notice of the intention to apply for a *certiorari* states that these Justices were served, being two of the Justices present at the Quarter Sessions, at which such order was made, and whose names appear in the heading or caption of the order. We think this copy of the order is sufficient *prima facie* evidence against the parties serving it, that these Justices were present; and if there has been any mistake as to the service, it should have been shewn, by an affidavit from the other side, that these two Justices were not present at the hearing at the Sessions.

*Rule to quash the writ of certiorari discharged.*

*Pashley* (April 30th) shewed cause against the rule to quash the order of Sessions.—First, there has been here no grievance.

(11) 11 *Mec. & Wels.* 109; s. c. 12 *Law J. Rep.* (n.s.) *Exch.* 234.

(12) 5 *Q.B. Rep.* 1; s. c. 12 *Law J. Rep.* (n.s.) *M.C.* 148.

The order of removal has been suspended, and the suspension never taken off. If the order made at the Epiphany Sessions be, as the respondents contend, a nullity, they will have an opportunity of contesting its validity, if the appellants should ever attempt to put it in evidence hereafter. In the meantime they are not damnified, and the Court in its discretion will not interfere to quash an order where no actual grievance exists, and where the parties have another remedy.

The following cases were cited:—*Wylie v. Birch* (13), *The Queen v. the Justices of the West Riding of Yorkshire (in the matter of Thornton)*, *Ex parte Lord Gifford* (14), *The Queen v. the South Holland Drainage* (15), *The Queen v. Dunn* (16), *The Queen v. the Justices of the West Riding, (Sheffield v. Crich)* (17).

But, secondly, it is not shewn that there was any want of jurisdiction in the Justices to make the order at the Epiphany Sessions. The affidavits state merely the information and belief of the deponents, that there was no entry of the appeal at the October Sessions. This is insufficient—*Symes v. Amor* (18), *Joynes v. Collinson* (19). There should have been either an application to the clerk of the peace to ascertain whether there was any entry, or an affidavit by him. Mere irregularity in the mode of proceeding is not sufficient to justify the interference of the Court. He cited *The Marshalsea case* (20), *The King v. Hewes* (21), *The King v. the Justices of Monmouthshire* (22), *The Queen v. the Justices of Buckinghamshire* (23), *In re Clarke* (24), *The Queen v. the Justices of*

(13) 4 *Q.B. Rep.* 566; s. c. 12 *Law J. Rep.* (n.s.) *Q.B.* 260.

(14) 7 *Ad. & El.* 589; s. c. 7 *Law J. Rep.* (n.s.) *M.C.* 9.

(15) 1 *New Sess. Cas.* 490.

(16) 8 *Ad. & El.* 429; s. c. 8 *Law J. Rep.* (n.s.) *Q.B.* 64.

(17) 12 *Ibid.* 599; s. c. 10 *Law J. Rep.* (n.s.) *M.C.* 29.

(18) 6 *Mec. & Wels.* 814.

(19) 2 *Dowl. & Low.* 449; s. c. 14 *Law J. Rep.* (n.s.) *Exch.* 2.

(20) 10 *Rep.* 68, b.

(21) 3 *Ad. & El.* 725; s. c. 5 *Law J. Rep.* (n.s.) *M.C.* 45.

(22) 8 *B. & C.* 137; s. c. 6 *Law J. Rep.* *M.C.* 67.

(23) 3 *Q.B. Rep.* 800; s. c. 12 *Law J. Rep.* (n.s.) *M.C.* 29.

(24) 2 *Ibid.* 619; 11 *Law J. Rep.* (n.s.) *Q.B.* 75.



*Cheshire* (25), *Lawrence v. Wilcock* (26), *In re Baines* (27).

*Baines and Deedes*, *contra*.—The order of Sessions discharges the order of removal, and orders the respondents to pay the sum of 5*l*. It imposes a penalty, and it may be used hereafter as evidence of the pauper's settlement. This is clearly a grievance.

[LORD DENMAN, C.J.—We have no doubt at all upon that point.]

Then the order is not irregular merely: it is made without any jurisdiction. The appellants were bound to go to the Michaelmas Sessions and enter their appeal. The affidavits shew that there was no entry at the Michaelmas Sessions.

LORD DENMAN, C. J.—This case has undergone great consideration. It is first said, that the defendants labour under no grievance. I think most certainly they do labour under a grievance, and that we are bound to interfere, if in other respects our interference is justified. Reference has been made in the course of the argument to numerous cases, among others to a case of *Ex parte Lord Gifford*. I may observe that the authorities there cited do not bear out the proposition contended for in argument, in that case, that a peer cannot be bound over by recognizance. But, in truth, that case is totally inapplicable to the present. The question here simply is, whether the Sessions had authority to quash the order of Magistrates. The order was served on the appellants on the 7th of August. Notice of appeal and grounds of appeal, dated the 6th of September, were served on the respondents on the 14th of October. The next Sessions were held on the 17th of October. At these Sessions nothing whatever appears to have been done. At the following Epiphany Sessions the order was quashed, the appellants relying, it seems, in some way or other, upon the notice which they had given on the 14th of October. Now, the question is, as the appellants were bound to go to the next practicable Sessions, whether the October Sessions were practicable, or whether a party is entitled to lie by, to

do nothing at the next Sessions, and at his option treat the second Sessions after the service of the order of removal, as that to which he will appeal. And I am clearly of opinion that the October Sessions were the next practicable Sessions, and that they did not become impracticable because the appellants chose to keep in their pocket the notice of appeal till it was too late to try the appeal at these October Sessions. Both parties would seem to have endeavoured to overreach the others. Professional men ought to communicate with one another, and one or other of the parties would have done himself credit, and have relieved his clients from expensive litigation, if they had inquired from, or stated to their opponents, whether they intended to try the appeal, and when. The question is, whether the Sessions in January, when they quashed the order, had possession of it at all. As nothing was done at the October Sessions, to which the appellants were bound to go, it seems to me that the following Sessions acted in a cause over which they clearly had no jurisdiction or controul whatever. They might just as well have given judgment in a cause in this court. The appeal ought to have been entered at the October Sessions, and carried over by adjournment. The affidavits are not very express in stating that it was not entered at the October Sessions, but they contain sufficient to call upon the officer of the court or the opposite party to state what really took place, and there is no statement made by either that there was any entry and respite at the October Sessions.

PATTERSON, J.—The only doubt I have had is, whether the affidavits sufficiently shewed that there was no entry of the appeal at the October Sessions. It is now settled that, even when an appellant has plenty of time to try at the Sessions next after the service of the order of removal, if he does not choose to try, the Sessions must enter and respite the appeal. The appellants, therefore, in this case were not compelled to try at the October Sessions, though they might have done so. I dare say, when they first drew up their notice, they did mean to try in October, but perhaps altering their minds, they keep it by them and serve it on the 14th of October, without altering the date. In order to keep alive that notice

(25) 8 Ad. & El. 398; s. c. 8 Law J. Rep. (N.S.) M.C. 1.

(26) 11 Ibid. 941; s. c. 9 Law J. Rep. (N.S.) Q.B. 284.

(27) Cr. & Phil. 31.

as a notice for the Epiphany Sessions, they were bound to enter their appeal in October.

WILLIAMS, J.—I should surmise that the appellants must have considered their notice of appeal as abolishing the October Sessions altogether. The question is, what we are to deem the October Sessions to have been. Are we to consider them as any Sessions at all? In one respect, no doubt, they were not a practicable Sessions: that is, not practicable for the trial of the appeal. And why? because the party chooses to keep his notice so long without serving it. But a party has no right by his own conduct to make that an impossible Sessions, which is possible in point of fact.

WIGHTMAN, J. concurred.

*Rule absolute to quash the order of Sessions.*

1845. } THE QUEEN v. THE INHABIT-  
April 26. } ANTS OF LILLESHELL.

*Settlement, Derivative—Acknowledgment by Relief—Emancipation.*

*An order of removal was grounded on examinations shewing relief given by the appellant parish to the pauper's father, while residing out of the appellant parish, at a time when the pauper was twenty-seven years of age, and containing nothing to raise the presumption that the pauper was at that time emancipated:—Held, that the examinations were sufficient, and that it was not necessary they should negative the fact of the pauper's emancipation at the time the relief was given to his father.*

On appeal against an order of two Justices for the removal of Thomas Silvester and his two children, from the parish of Lilleshall, in the county of Salop, to that part of the parish of Muccestone, which lies in the county of Stafford, the Sessions quashed the order, subject to the opinion of this Court upon a case, the material parts of which were as follows:—

The examinations were taken and the order made on the 7th of July 1843. The examinations were, first, that of the pauper: "I am about thirty-eight years of age. I am the son of Thomas and Jane Silvester. In the year 1834 I was married by banns at the

parish church of Wellington, to my late wife Ann, by which marriage I have two children: viz. Samuel, aged eight, and Thomas, aged five years. I have never done any act to gain me a settlement in my own right." Secondly, the examination of Jane Silvester, the pauper's mother: "In 1799 I was married at the parish church of High Offley to Thomas Silvester, who died in the parish of Lilleshall eleven years ago last November, by which marriage I had five children, one of them being the pauper Thomas Silvester, who was born at the township of Dorrington, in the county of Salop, in the month of September 1804. My said late husband was at the time of his death a legally settled and acknowledged parishioner of that part of the parish of Muccestone, which lies in the county of Stafford. About half a year before his death he received relief from the overseers of the said parish of Muccestone, and at the time he received the relief he was living in the said parish of Lilleshall. He received 1s. a week. After my husband's death I received relief from the said parish of Muccestone."

The appellants' first and third grounds of appeal were:—

First, that the examinations upon which the order was grounded were incorrect and too general, and not made with sufficient accuracy and particularity; thirdly, that the pauper Thomas Silvester was emancipated when his father Thomas Silvester gained the alleged settlement in Muccestone.

At the hearing of the appeal, the appellants objected to the examinations (under the first ground of appeal), on the ground, that a fact material to the case was omitted in them, inasmuch as it was not stated, nor did it appear by them that the pauper was unemancipated at the time his father gained a settlement in the appellant parish; it being consistent with the examinations that the pauper was emancipated at the time his father gained the said settlement. The respondents contended, first, that the examinations were good, and that it was not inconsistent with them that the pauper was unemancipated at the time his father gained a settlement in Muccestone; secondly, that relief to a pauper whilst resident in another parish not being in itself a ground of settlement, but merely evidence of acknowledgment of a settlement on the part of the relieving

parish, it was unnecessary to state that the pauper was unemancipated at the time such relief was afforded to his father; thirdly, that it was not competent to the appellants to take the objection under their first ground of appeal. The Court of Quarter Sessions quashed the order, subject as aforesaid. If the Court should be of opinion that the Sessions were right, the order of Sessions was to be confirmed; if of a contrary opinion, the order of Sessions to be quashed.

*Phillimore*, in support of the order of Sessions.—The only evidence of the settlement of the pauper's father in Mucclestone, is the relief given to him in 1831, which only shews that the father was acknowledged as then settled there. But the pauper at that time was twenty-seven years of age. It is not stated that he was then part of his father's family, or that he resided with him. He may have obtained a settlement of his own long before the relief was given to his father; and the relief may have been given to the father in respect of a settlement gained by the father long after the emancipation of the pauper. All the facts stated in the examinations may be true, and yet the pauper have no settlement in Mucclestone. Nothing is to be left to inference—*The Queen v. the Inhabitants of North Bovey* (1), *The Queen v. the Justices of the West Riding* (2), *The Queen v. the Inhabitants of Wyomndham* (3), *The Queen v. the Recorder of Pontefract* (4), *The Queen v. the Inhabitants of St. Sepulchre, Northampton* (5), *The Queen v. Pilkington* (6). Here, the Court is called on to infer that the pauper was not married before 1831. It is true the examinations state that he was married in 1834, but they do not shew that that was his first marriage. The other side may rely on *The Queen v. the Inhabitants of Yeaveley* (7), but there it appeared on the face of the examination that the pauper was unemancipated, and till the con-

trary was shewn it was to be presumed that he continued so. So in *The Queen v. the Inhabitants of Staple Fitzpaine* (8), it was stated that the pauper had resided with his father as part of his family; *primâ facie*, therefore, he continued unemancipated. But in *The King v. the Inhabitants of Oulton* (9), Lord Denman, C.J. said, "Where a child has attained the age of twenty-one, and is then separated from the father's family, the burden of proof that the child is not thereby emancipated lies on the party asserting that fact;" and in the same case Patteson, J. observed, "She was of full age; and that being the case, the onus of shewing that she was not emancipated is thrown upon that party who contends that she was not so." These observations apply to the present case. The ground of appeal is sufficiently specific to let in this objection—*The Queen v. the Inhabitants of Flockton* (10).

*Whateley* and *Boughey*, *contrâ*, were stopped by the Court.

LORD DENMAN, C.J.—It appears to me that there is no objection to these examinations. Mr. Phillimore has referred to cases in which there have been many nice distinctions taken; but a clear and intelligible principle is sufficient for the decision of this case. Where facts are so stated in the examinations as to leave it doubtful whether any settlement was ever gained, we cannot say that a settlement appears on the examinations: but where the facts stated shew a good *primâ facie* settlement, although other facts may exist which would be inconsistent with that settlement, it is not necessary that the examinations should negative the existence of those other facts. There is no objection to these examinations unless the presumption of the emancipation of the pauper arises upon them: for unless that presumption arises, it was not necessary to rebut it. It should be remembered that the observations which have been cited as made by my Brother Patteson and myself in the case of *The King v. the Inhabitants of Oulton* had reference to the particular facts of that case;

(1) 2 Q.B. Rep. 500; s. c. 11 Law J. Rep. (n.s.) M.C. 71.

(2) *Ibid.* 505; s. c. 11 Law J. Rep. (n.s.) M.C. 80.

(3) *Ibid.* 541; s. c. 12 Law J. Rep. (n.s.) M.C. 74.

(4) *Ibid.* 548; s. c. 12 Law J. Rep. (n.s.) M.C. 81.

(5) *Ante*, p. 8.

(6) 13 Law J. Rep. (n.s.) M.C. 61.

(7) 8 Ad. & El. 806; s. c. 8 Law J. Rep. (n.s.) M.C. 9.

(8) 2 Q.B. Rep. 488; s. c. 11 Law J. Rep. (n.s.) M.C. 38.

(9) 5 B. & Ad. 962; s. c. 3 Law J. Rep. (n.s.) M.C. 33.

(10) 2 Q.B. Rep. 535; s. c. 12 Law J. Rep. (n.s.) M.C. 70.

and can only be understood with reference to those facts. The question there was, whether on the facts we thought the Sessions right in finding that the child was emancipated, and we thought they were right. But, in the present case, it seems to me there is not that presumption of the emancipation of the pauper at the time relief was given to his father, which made it necessary that the examinations should negative the fact of his emancipation.

PATTERSON, J.—I think these examinations raised a *prima facie* case of the settlement of the pauper in the appellant parish. This is to be observed, that the examinations do not merely raise a presumption that the pauper's father acquired a settlement in the appellant parish at that particular time, 1831; but they shew an acknowledgment of his settlement (by relief being then given him), which acknowledgment may have had reference to a settlement gained by him fifty years before. It is at least evidence of a settlement gained by the father at some previous time. Perhaps the reports of the case of *The King v. the Inhabitants of Oulton* state the observations then made somewhat too broadly, without reference to the particular facts. It could hardly have been intended to have laid it down, that if a person be twenty-one years of age, it is to be presumed that he is emancipated, until the contrary be shewn. That case only decided, that if there be evidence, as in that case there was, of a child more than twenty-one being separated from its parents, that separation and service at a distance raise the presumption that she is emancipated. But in this case there is no evidence of the kind: no residence apart from the father, no separation whatever stated. The presumption of emancipation therefore does not arise here, and, consequently, there was no occasion to rebut it.

WILLIAMS, J.—In the *The Queen v. Middleton in Teesdale* (11), the Court proceeded upon the ground, that admitting the facts stated in the examinations to be true, they did not amount to *prima facie* evidence of a settlement, and upon various occasions, one or more of the members of this Court have intimated that a ground of appeal stating the examination to be bad and insufficient, is in the nature of a general demurrer,

(11) 10 Ad. & El. 688; s. c. 9 Law J. Rep. (N.S.) M.C. 55.

under which the objection that no settlement appears might be raised. And that is perfectly correct. But the present case is quite distinguishable. Here on the face of the examinations there is a perfectly good settlement shewn. And if anything exist to destroy it, by exception, still nothing of that kind appears upon the face of the examination, and, therefore, it is not to be presumed, and need not be denied, but should appear affirmatively from the other side. In the case of *The King v. the Inhabitants of Oulton* there were facts from which emancipation might be presumed: here there are none.

WIGHTMAN, J.—The question seems to me to be, as stated by my Brother Williams, whether, assuming all the facts stated on this examination to be true, they shew a *prima facie* derivative settlement of the pauper in the appellant parish. And I think they do shew it, unless any presumption exists as to the emancipation of the pauper, which ought to have been negatived. It appears to me that there are no facts here stated to raise any such presumption, and that the case of *The King v. the Inhabitants of Oulton* is no authority for the position as a proposition of law, that, when a person attains the age of twenty-one, it is to be presumed that he is emancipated.

#### Order of Sessions quashed.

1845. { THE QUEEN v. THE JUSTICES OF  
April 28. { HUNTINGDONSHIRE, in re  
ASHTON AND ANOTHER.

#### Articles of the Peace—Sessions—Jurisdiction of Justices—Sureties—Commitment.

*The Court of Quarter Sessions, upon articles of the peace exhibited in the absence of the defendants, made an order that the defendants, upon service of the order, should enter into recognizances before a Justice to keep the peace towards the exhibitant for six months. The order did not direct that in default of finding sureties they should be committed. The defendants having been brought before two Justices upon a warrant reciting the order of Sessions, declined to enter into sureties, whereupon the Justices committed them to gaol for six months, unless they should in the meantime enter into recognizances:—Held, that the Justices had no*

*jurisdiction to commit them, and that the prisoners were entitled to be discharged.*

At the General Quarter Sessions for the county of Huntingdon, held on the 7th and 8th of April, William Nainby Swallow exhibited articles of the peace against Allpress Ashton and Alfred Ashton, in their absence. They were under no recognizance or undertaking to appear at the Sessions, nor had they notice or knowledge that the articles of the peace had been exhibited till after the Sessions were concluded. The caption of the articles was as follows: "At the General Quarter Sessions held at Huntingdon in and for the county of Huntingdon, on Monday the 7th day of April 1845, before," &c. The jurat of the articles was, "Exhibited and sworn by the exhibitant W. N. Swallow in open court at the General Quarter Sessions of the Peace for the said county of Huntingdon, held at Huntingdon, in and for the said county of Huntingdon, this 8th day of April 1845." Upon these articles the Court of Quarter Sessions made an order headed as follows: "Huntingdonshire, to wit. At the General Quarter Sessions of the Peace of our Lady the Queen, holden at the Shire Hall in the town of Huntingdon, in and for the county of Huntingdon, on Monday the 7th day of April, and thence continued by adjournment unto Tuesday the 8th day of April, all in the 8th year of the reign of our Sovereign Lady Queen Victoria, before," &c. After reciting the exhibition of the articles, it proceeded: "And it is by this Court ordered, that the above named Allpress Ashton and Alfred Ashton do severally and respectively forthwith upon service of this order, before one or more of Her Majesty's Justices of the Peace of the said county of Huntingdon, enter into their own recognizances in the sum of 100*l.* each, and severally and respectively find two sureties in the sum of 50*l.* each to keep the peace towards the Queen and all her liege people, and especially towards the said W. N. Swallow, for the term of six calendar months now next ensuing." On the 21st of April Messrs. Fryer and Linton, two Justices of the county of Huntingdon, issued their warrant to the constable of St. Ives to apprehend the said Allpress Ashton and Alfred Ashton. The warrant recited that the order of the Court of Quarter Sessions had been proved before

them, and that it had also been proved to them that a true copy of the order had been on the 19th of April personally served upon each of them, Allpress Ashton and Alfred Ashton, and the original order at the same time shewn to them, and that they were then respectively requested to obey it, but that they severally and unlawfully and contemptuously refused to obey the said order of Sessions, and to enter into such recognizances and to find such sureties as mentioned in the said order. The Ashtons were accordingly apprehended on the 21st of April, and brought before Messrs. Fryer and Linton. They were asked whether they were prepared to enter into the recognizances mentioned in the order of Sessions. Their attorney submitted to the Justices that the order of Sessions was void, inasmuch as it had been made without hearing the Ashtons, and without their having an opportunity of being heard in answer to them, and that the Quarter Sessions could not in the absence of parties make an order to find sureties, unless it were sureties to appear at the next sessions to answer. The Justices said they could not question the order of Sessions, and were bound to enforce it. They accordingly signed a warrant of commitment, which after reciting the order of Sessions, the warrant to apprehend, and the service of the order, proceeded thus: "And whereas the said order of the Court of Quarter Sessions hath been this 21st day of April 1845, read over in the presence of us, the said Justices, to and in the presence and hearing of the said A. A. and A. A., and they the said A. A. and A. A. have been this day personally required by us, the said Justices respectively, to obey the said order of the said Court of Quarter Sessions, and severally and respectively to enter into such recognizances, and to find such sureties as are therein mentioned, or to shew and assign some good, valid and legal cause why they respectively refused to obey the said order, or why they should not respectively forthwith obey the same, and enter into such recognizances, and find such sureties as are therein mentioned, but they, the said A. A. and A. A. have again severally and respectively unlawfully and contemptuously in the presence of us, the said Justices, and still do unlawfully and contemptuously refuse to obey the said order of the said Court of Quarter Sessions, and to enter into such

recognizances, and to find such sureties as are therein mentioned; nor have they, the said A. A. and A. A., or either of them, shewn or assigned any good, valid, or legal cause for their respectively having refused and still refusing to obey the said order, and to enter into such recognizances, and to find such sureties as are therein mentioned, or why they should not respectively forthwith obey the said order, and enter into such recognizances and find such sureties as are therein mentioned. We, therefore, the said Justices," &c. Then followed the commitment, requiring the keeper of the gaol to keep the bodies of the said A. A. and A. A. respectively, in his custody in the said gaol, "for the residue yet to come and unexpired of the term of six calendar months, to be computed from and next following the 8th day of April 1845," unless in the meantime they should enter into recognizances and find sureties to keep the peace, &c. "for the term of six calendar months to be computed from the 8th day of April 1845." Under this warrant they were committed to gaol.

*Gunning* (April 24) obtained a rule for a writ of *habeas corpus* to the keeper of the gaol, to bring up their bodies, together with the cause of their detainer. He also obtained a writ of *certiorari* to bring up the articles of the peace and the order of Sessions founded thereon. He contended, that the prisoners were entitled to their discharge. First, the articles were exhibited and the order of Sessions thereon made in the absence and without the knowledge of the defendants. Secondly, admitting the order of Sessions to be valid, it only directs the defendants to find sureties to keep the peace, but does not go on to direct that in default of their so doing they should be committed to prison; the two Justices therefore acted without jurisdiction. Thirdly, even if the Justices had jurisdiction at all, they awarded a longer term of imprisonment than they were authorized to inflict, viz. for "six months next following the 8th of April," whereas the caption of the articles shewed the Sessions to have been held on the 7th. Lastly, the order of Sessions does not shew that the Sessions held by adjournment on the 8th of April, were held within the county.

*Biggs Andrews* and *Worlledge* shewed

cause (1).—As to the second objection, "It is said that whosoever a Justice of the Peace is empowered by any statute to bind a person over, or to cause him to do a certain thing, and such person, being in his presence, shall refuse to be bound, or to do such thing, the Justice may commit him to the gaol to remain there till he shall comply," 2 *Hawk. P.C.* c. 16. s. 2 (2). Here the Sessions have fixed the amount of the sureties, and the Justices had no discretion to alter them. Nor did the defendants apply to have the amount lowered. They refused to enter into any recognizance or find any sureties. In *The Queen v. Dunn* (3), the Sessions only ordered the defendant to find sureties, and the Justice committed for want of them, but no objection was taken upon that ground. And so, though there is no provision in the statute 1 & 2 Ph. & M. c. 13, authorizing Justices to commit to prison witnesses who refuse to appear and give evidence, yet it has been held that they have power to do so—2 *Hawk. P.C.* 62. c. 8. s. 58, *Bennet v. Watson* (4).

*Gunning* (with whom was *O'Malley*), contra.—The order of Sessions is to do a specific thing, viz. to find sureties. The Magistrates have chosen to enforce that order in a way unknown to the common law. (He was then stopped).

LORD DENMAN, C.J.—We think this warrant of commitment cannot be upheld. The only power given to the Justices was to enforce the order of Sessions. They had

(1) As the judgment of the Court proceeded on the second objection only, the rest of the argument is omitted. Upon the first objection the following authorities were referred to:—*Margaret Hutt's case*, 2 Burr. 1039; a. c. *nomine* *The King v. Bomaster*, 1 Black. 233; *The King v. Doherty*, 13 East, 171; *Lord Vane's case*, 13 Ibid. 171, n. (a); *The Queen v. Dunn*, 12 Ad. & El. 599; s. c. 10 Law J. Rep. (n.s.) M.C. 29; *The King v. Benn*, 6 Term Rep. 198; *Harper v. Carr*, 7 Ibid. 275; *Painter v. the Liverpool Gas Company*, 3 Ad. & El. 433; s. c. 5 Law J. Rep. (n.s.) M.C. 108.

(2) Cited in 3 Burn's Justice, p. 1015, 29th edit.

(3) 12 Ad. & El. 599; s. c. 10 Law J. Rep. (n.s.) M.C. 29.

(4) 3 Ma. & Selw. 1.

no authority to commit the parties, but they have proceeded to convict them in a summary way upon a supposititious indictment for disobedience to the order of Sessions.

PATTESON, J.—The order of Sessions does not go on to say, “and in default of finding sureties the defendants shall be committed to prison.” It is quite silent as to their commitment. That being so, the Justices have exceeded their power in committing these parties. The committal is not according to the order of Sessions.

WILLIAMS, J.—It is admitted that the Justices had no original jurisdiction to send these men to prison: none whatever. There was merely a devolution upon them of a duty imposed by the Sessions. Consequently, when these men were brought up before them, the Justices could only do what the Sessions had directed. How could it be competent to them to commit them for either one, three or six months? I am entirely at a loss to discover the origin of their jurisdiction to commit them at all.

WIGHTMAN, J.—I am also of opinion that this rule must be made absolute, and the prisoners discharged. The difficulty is to discover the authority of these Justices to commit them at all, the Sessions not having in the order introduced the alternative.

*Rule absolute; prisoners discharged.*

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1845. } THE QUEEN v. THE INHABITANTS OF RIPON.  
May 3. }

*Appeal—Certainty and Sufficiency of Statement in Ground—“Separate and Distinct” Dwelling-house.*

*One of the grounds of appeal against an order of removal stated that the pauper was rated for and in respect of a tenement in the township of H, consisting of two dwelling-houses of the value of 10*l.*, &c.:—Held, that such statement was insufficient, by reason of its omitting to state that the dwelling-houses were “separate and distinct,” pursuant to the words of the statute 6 Geo. 4. c. 5. s. 72.*

On appeal against the order of two Justices for the removal of William Leaf, his

wife and children, from the township of Hunslet, in the borough of Leeds, to the township of Ripon, in the West Riding of Yorkshire, the Recorder confirmed the order, subject to the opinion of the Court on a case which, as far as is material to the questions raised for the Court, stated the following facts:—

The respondents having proved a settlement in the appellant township, the appellants offered to give evidence of a settlement gained by the pauper in the township of Holbeck, under the following grounds of appeal:—

Sixth—That after the said supposed service, under the said indenture of apprenticeship, in the said examination mentioned, to wit, in the year 1836, the said pauper, the said William Leaf, was duly rated and charged with his share towards the poor-rates of and for the township of Holbeck, in the borough of Leeds, in the West Riding of the county of York, for and in respect of a tenement, to wit, *a tenement consisting of two dwelling-houses*, situate in the said township of Holbeck, of the value of 10*l.*, and held and rented by the said William Leaf of one Charles Crossland, for the term of one whole year, to wit, from the 1st day of November, A.D. 1836, to the 1st day of November, A.D. 1837, at and of the rent of not less than 10*l.*, to wit, for the rent of 14*l.* 5*s.*, and which said tenement was duly occupied for the said year, under the said yearly hiring; and the said rent for the same was duly paid, and the said William Leaf duly paid the said rates for and in respect of the said tenement, and during the whole of the said year, and for forty days after the payment of the said rates, resided in the said township of Holbeck.

The seventh, eighth, and ninth grounds of appeal contained similar statements of rating and renting premises, described in the same terms, for the four following years.

The respondents objected to the sixth, seventh, eighth, and ninth grounds of appeal above set forth as insufficient, for not stating that the tenement or dwelling-houses in respect of which the pauper was alleged in the notice to have been rated were separate and distinct, as required by 6 Geo. 4. c. 57. After an argument the

objection was overruled, subject to the opinion of this Court. The respondents also objected that the above grounds of appeal were severally insufficient, in not shewing any such residence in the township of Holbeck for forty days, as would, together with the payment of the rates stated on the above grounds, confer a settlement in Holbeck, on the party so paying and residing, as alleged. After argument, the objection was allowed, subject to the opinion of this Court. If the Court should be of opinion that the grounds of appeal were sufficient, the order of Sessions to be quashed.

[Other points were raised in the case, which were abandoned on the argument.]

*Hall and Pashley*, in support of the order of Sessions.—This Court has, in the decisions on the New Poor Law Act, uniformly required certainty and particularity of statement in examinations and grounds of appeal, and that nothing shall be left to inference—*The Queen v. Wymondham* (1), *Stowell v. Lord Zouch* (2). The term “dwelling-house” cannot be intended to mean a “separate and distinct dwelling-house” or “building,” as required by 6 Geo. 4. c. 57. s. 2. The term “dwelling-house” may mean a single room, 3 *Inst.* 65, *Co. Litt.* 48, *b*, or chamber, 9 *Vin. Abr.* 380. So in the earlier cases of settlement a single room was held to confer a settlement—*The King v. St. George, Hanover Square* (3), *The King v. Whitechapel* (4). The words “separate and distinct” were therefore advisedly inserted in the statute, to meet the difficulty. All the later cases shew that the statute requires, first, distinctness as regards tenure—*The Queen v. Caversall* (5), *The King v. Wakering* (6); and secondly, distinctness as regards the building—*The King v. Henley-upon-Thames* (7), *The King v. Great and Little Usworth and North Biddick* (8).

(1) 2 Q.B. Rep. 541; s. c. 12 Law J. Rep. (n.s.) M.C. 74.

(2) *Floud*. 353, 376.

(3) *Burr*. S.C. 692.

(4) 2 *Bott*, P.L. 100.

(5) 10 Ad. & El. 270; s. c. 8 Law J. Rep. (n.s.) M.C. 57.

(6) 5 B. & Ad. 971; s. c. 3 Law J. Rep. (n.s.) M.C. 51.

(7) 6 Ad. & El. 294; s. c. 6 Law J. Rep. (n.s.) M.C. 78.

*dick* (8). It may be said, that persons in general would understand the term “dwelling-house” to mean a separate and distinct house; but that is no answer where grounds of appeal are drawn under an act of parliament. They should specify in the very words of the act the character of the subject-matter of the notice—*The Queen v. the Justices of the West Riding of Yorkshire* (9), *The Queen v. St. Margaret's, Rochester* (10), *The Queen v. the Inhabitants of St. Sepulchre, Northampton* (11). If this were a case of civil pleading, and it were alleged in the declaration that the reversion of and in a dwelling-house belonged to the plaintiff, the allegation would be satisfied by evidence of a joint ownership of such reversion—*Wallis v. Harrison* (12).

On the second question they cited *The King v. Ringstead* (13), *The King v. Wiltoughby* (14); but the Court, as will be seen, gave no opinion upon it.

*Pickering*, contra.—Where it is stated that a person rented a dwelling-house, the Court will not intend that he only rented a part of one; and the words of the statute are satisfied by its being separate and distinct as regards any other person—*The King v. Wootton* (15), *The King v. Great and Little Usworth and North Biddick*. This is not a condition or positive qualification which must be stated, as in *The Queen v. Wymondham*, but it is matter which the words used necessarily imply, and the effect of the statement can only be defeated by shewing positively a non-compliance with the statute. This very point was raised in *The Queen v. the Recorder of Pontefract* (16). In *The Queen v. the Justices of Buckingham-*

(8) 5 Ad. & El. 261; s. c. 5 Law J. Rep. (n.s.) M.C. 139.

(9) 2 Q.B. Rep. 505; s. c. 11 Law J. Rep. (n.s.) M.C. 80.

(10) *Ibid.* 533; s. c. 12 Law J. Rep. (n.s.) M.C. 77.

(11) *Ante*, p. 9.

(12) 5 *Mee. & Wels*. 142; s. c. 8 Law J. Rep. (n.s.) Exch. 188.

(13) 7 B. & C. 607; s. c. 6 Law J. Rep. M.C. 31.

(14) 4 Ad. & El. 143; s. c. 5 Law J. Rep. (n.s.) M.C. 35.

(15) 1 *Ibid.* 282; s. c. 3 Law J. Rep. (n.s.) M.C. 98.

(16) 2 Q.B. Rep. 548; s. c. 12 Law J. Rep. (n.s.) M.C. 81.



shire (17), Lord Denman observed, that Justices in matters of this sort were to exercise a reasonable intendment. On the second question he cited *The Queen v. St. Mary Kalendar* (18), *The King v. Gainsborough* (19).

LORD DENMAN, C.J.—The stat. 6 Geo. 4. c. 57. s. 2. enacts, that no person shall acquire a settlement by reason of settling upon, renting or paying parochial rates, for any tenement, not being his or her own property, unless such tenement shall consist of a “separate and distinct” dwelling-house or building, or of land, or of both, *bond fide* rented, &c., for the sum of 10*l.* a year. The first objection taken to these grounds of appeal is, that they do not state the dwelling-house to have been separate and distinct, as the statute requires. Whatever meaning is to be given to these words, “separate and distinct,” it seems to me that in order to shew a settlement gained since the statute, the words themselves, or some equivalent words, should be used;—that is not done in this case; and in conformity with what we have already decided, we must hold these grounds of appeal insufficient. On the other question it is not necessary to give any opinion.

PATTESON, J.—We ought to adhere to the words of the act, and I think the grounds of appeal ought to state that the party acquired a settlement by paying rates for a separate and distinct dwelling-house, *bond fide* rented by him for the sum of 10*l.* a year, &c., according to the words of the statute.

WILLIAMS, J.—I am of the same opinion; the words “separate and distinct” have on several occasions received a distinct interpretation by the Court. Can we say that a settlement by rating and renting is complete without them?

WIGHTMAN, J.—I am of the same opinion on the express words of the statute.

*Order of Sessions confirmed.*

(17) 12 Law J. Rep. (N.S.) M.C. 29.

(18) 9 Ad. & El. 626; s.c. 8 Law J. Rep. (N.S.) M.C. 54.

(19) Burr. S.C. 586.

1845.  
Jan. 25; }  
Feb. 1; } THE QUEEN v. JOSEPH WILCOCK.  
May 15. }

Conviction—Stat. 17 Geo. 3. c. 56. ss. 10, 14—Woollen Manufactures—Justices, Jurisdiction of—Penalties, Distribution of—Statute 3 Geo. 4. c. 24.

*A conviction under the statute 17 Geo. 3. c. 56. s. 10. stated, that materials used in woollen manufactures, suspected to have been purloined, had been found in the house of A. B, and that he had given no satisfactory account thereof to the convicting Justices:—Held, that it was not necessary that the conviction should state that they were found concealed in the house, nor that they were found under a search warrant.*

*The statute 17 Geo. 3. c. 56, so far as regards the distribution of the penalties thereby imposed, is repealed by the statute 58 Geo. 3. c. 57.*

*Where the information, under 17 Geo. 3. c. 56. s. 10, has been laid before two Justices, and the conviction has taken place before two other Justices, this fact must appear on the face of the conviction.*

On an appeal to the Quarter Sessions of the West Riding of Yorkshire, against the conviction of Joshua Taylor, the Sessions quashed the conviction, subject to the opinion of the Court on the following

#### CASE.

The conviction was in the words following, viz.:—“West Riding of Yorkshire, to wit. Be it remembered, that on the 1st day of May, A.D. 1844, at the parish of Bradford, in the West Riding of the county of York, Joshua Taylor, of the township of North Burley, in the said parish of Bradford, in the said West Riding, weaver, was convicted before us, H. W. Wickham, Esq. and John G. Horsfall, Esq. two of Her Majesty’s Justices of the Peace in and for the said West Riding of the said county of York, upon the information upon oath of Joseph Wilcock, of the township of Bradford, in the said riding, inspector of worsted yarn, a credible person, the informer in this behalf, and upon evidence on the oaths of certain persons, of whom the said

informer was not one, to wit, of Joseph Field, of the township of Bradford aforesaid, in the said riding, police officer, and Joseph Foster, of the township of Bradford aforesaid, inspector of worsted yarn, credible witnesses, of a misdemeanour, for that he, the said Joshua Taylor, had, on the 20th of April in the said year of our Lord 1844, in his, the said Joshua Taylor's dwelling-house, situate in the township of North Burley, in the parish aforesaid, in the West Riding aforesaid, (the said township of North Burley then, and thence hitherto, and still being a township having separate overseers of the poor of the said township, and the inhabitants of the said township then, and thence hitherto, and still maintaining the poor of the said township separately and apart from the said parish at large), certain materials used in the woollen and worsted manufactures, to wit, two pounds weight of worsted yarn and two pounds weight of alpacha yarn, then and there suspected to be purloined or embezzled, and then and there found in the said dwelling-house of the said Joshua Taylor, and in the possession of the said Joshua Taylor, and the said materials so found as aforesaid and the said Joshua Taylor having been duly brought together before us, the said H. W. Wickham and J. G. Horsfall, so being such Justices as aforesaid, on the said 1st day of May, A.D. 1844, at the parish aforesaid, in the riding aforesaid, he, the said Joshua Taylor, did not then or at any other time give an account to the satisfaction of us, the said H. W. Wickham and J. G. Horsfall, so being such Justices as aforesaid, how he came by the said materials, nor did he, the said Joshua Taylor, then, or at any other time, produce before us, the said Justices, the party or parties or any person or persons duly entitled to dispose of the same materials, of or from whom he bought or received the same, but though then and there required by us, the said Justices, then and there wholly neglected and refused so to do, contrary to the form of the statute in such case made and provided: whereby and by force of the said statute, the said J. Taylor is to be deemed guilty of a misdemeanour: whereupon we, the said H. W. Wickham and J. G. Horsfall, so being such Justices as aforesaid, do adjudge the said J. Taylor to be guilty of the said misdemea-

nour, and that he hath forfeited for his said offence, being his first offence, the sum of 20*l.* of lawful money of Great Britain, to be paid, applied and distributed as the law directs, according to the form and directions of the statute in such case made and provided; and if the same be not paid, and if no sufficient distress shall be found whereon to levy the said penalty and forfeiture of 20*l.*, then we, the said Justices, do adjudge that the said J. Taylor be committed to the house of correction at Wakefield, in and for the said West Riding, without bail or mainprize, for the space of one month, according to the form of the statute in such case made and provided. Given under our hands and seals the day and year first above written."

The parish of Bradford is divided into townships, each maintaining separately its own poor, the parish having churchwardens and no overseers, the townships having each their respective overseers and no churchwardens.

The counsel for the appellants objected, first, that the adjudication for the distribution of the penalty was not correct; secondly, that, on the information being put in, on the part of the respondent, it appeared to have been before Joshua Pollard and Thomas Paley, Esqs. Justices of the Peace in and for the West Riding, while the conviction itself was before Henry Wickham Wickham and John Garnett Horsfall, Esqs. two other Justices in and for the said West Riding, and that this did not appear upon the face of the conviction; thirdly, that the conviction did not state that the said materials used in the woollen and worsted manufactures so found in the dwelling-house of the appellant were concealed in the said dwelling-house, nor that they were found under a warrant, under the hands and seals of two Justices of the peace of the said West Riding. If the Court of Queen's Bench should be of opinion that the conviction was bad upon all, or any, or either of these points, the order of the Sessions was to be confirmed. If the Court should be of opinion that the conviction was good on the said points, then the order of Sessions was to be quashed and the conviction affirmed.

*Hall and Overend* (January 25), in support of the order of Sessions.—The conviction is bad, for each of the reasons stated. First, the penalty is not properly distributed,

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according to the provision at the close of the 14th section of the statute 17 Geo. 3. c. 56, "one moiety to the informer, and the other moiety to the poor of the parish." It is not sufficient to direct that it "be paid and distributed according to the direction of the statute." It may be said, that the statute 17 Geo. 3. c. 56. is repealed, as regards the payment of forfeitures, by the statute 58 Geo. 3. c. 51. But that is not so. The last-mentioned statute, both in the preamble and in the schedule, repeals an act passed in the 13 Geo. 3, but has no reference to any statute passed in the 17 Geo. 3. It is true the title of the act, 17 Geo. 3. c. 56, is set out in the preamble to the 58 Geo. 3, but the title is no part of the act. And there is a statute of the 13 Geo. 3. c. 68, which is within the scope of the 58 Geo. 3, and to which therefore it may apply. The following cases were cited upon this branch of the argument:—*Atkinson's case* (1), *Allen v. Flicker* (2), *The King v. Cartwright* (3), *The King v. Pierce* (4), *Free v. Burgoyne* (5), *Chance v. Adams* (6), *Nixon v. Nanney* (7), *The King v. Biers* (8). Secondly, as the information was made before two Justices, other and different from those who determined the same, this ought to have appeared on the face of the conviction. The statute 3 Geo. 4. c. 23. s. 2. enacts, that "in all cases where two or more Justices, &c. are authorized to hear and determine any complaint, one Justice, &c. shall be competent to receive the original information and complaint, and to issue the summons or warrant requiring the parties to appear before two or more Justices," &c., (who are to adjudicate thereon,) "and where the original complaint or information shall be made to any Justice or Justices, &c., or other person or persons, different from him or them before whom the same shall be heard and determined, the form of conviction shall be made conformable and according to the fact." This provision is general, referring to

all cases. The 1st section of the same statute refers only to cases in which no form of conviction has been directed. The statute 17 Geo. 3. c. 56. s. 21. does direct a particular form of conviction, and therefore the 1st section of the 3 Geo. 4. c. 23. does not apply. But the terms of the 2nd section are express; and they have not been complied with in the present case—*Jones v. Gurdon* (9). Thirdly, the conviction is bad for not stating that the materials, &c. were found concealed in the dwelling-house of Taylor, or that they were found under a search warrant. The conviction is framed on the 10th section of the statute 17 Geo. 3. c. 56, the preamble of which refers to "materials, &c. concealed in the possession of persons who have received the same, knowing them to be purloined." By the enacting part of the same section Justices are, on information, &c., to issue their warrant to cause the premises to be searched; "and if any such materials shall be found therein," &c.—that is, if any materials are concealed therein, and are found concealed upon a search made under the authority of a warrant (10), the party is to be adjudged guilty of a misdemeanour. The 11th section authorizes the apprehension of persons carrying after dark any such materials suspected to be purloined, and provides in a similar way for their being adjudged guilty of a misdemeanour. And then the 14th section enacts, "That any person deemed and adjudged guilty of a misdemeanour in having in his or her possession any materials suspected to be purloined or embezzled, and not producing the party or parties being duly entitled to dispose of the same, of whom he or she bought or received the same, nor giving a satisfactory account how he or she came by the same; or of a misdemeanour in having, carrying, or conveying of the said materials suspected to be purloined or embezzled, and not producing the party, &c., nor giving a satisfactory account, &c., shall, for every such misdemeanour, forfeit for the first offence 20*l*." This 14th section does not create a fresh misdemeanour, but merely supplies the punishment for the offences previously described in the 10th and 11th

(1) Mood. C.C. 278.

(2) 10 Ad. & El. 640; s. c. 9 Law J. Rep. (N.S.) Q.B. 42.

(3) 4 Term Rep. 490.

(4) 3 Mau. & Sel. 62.

(5) 5 B. & C. 400; s. c. 4 Law J. Rep. K.B. 266.

(6) 1 Ld. Raym. 77.

(7) 1 Q.B. Rep. 747; s. c. 10 Law J. Rep. (N.S.) M.C. 134.

(8) 1 Ad. & El. 327; s. c. 3 Law J. Rep. (N.S.) M.C. 118.

(9) 2 Q.B. Rep. 600; s. c. 11 Law J. Rep. (N.S.) M.C. 45.

(10) See the 10th section set out at length in the judgment of the Court, *post*, p. 108.

sections respectively. This conviction is founded on the 10th section only, and the offence there described is not complete, unless the goods were concealed, and unless there had been a search warrant. The words are, "if such materials shall be found therein." Every finding contemplates a search, and a search under a legal authority. Unless properly called upon, a refusal to account would be no offence. *The King v. Walsh* (11), *Basten v. Carew* (12). All the preliminary proceedings necessary to constitute the offence, and to give the Justices jurisdiction, must appear on the face of the conviction—*In the matter of Peerless* (13), *The Queen v. Scotton* (14), *The King v. Hazell* (15), *Kite and Lane's case* (16). *Davis v. Nest* (17), which may be relied on on the other side, was a *Nisi Prius* decision only, and cannot be supported.

*Pickering and Hardy*, contra (Feb. 1).—First, the statute 58 Geo. 3. c. 51. repeals the 17 Geo. 3. c. 56, so far as the distribution of the penalties is concerned. There are eleven statutes mentioned in the preamble to the 58 Geo. 3. c. 51, most of which contain provisions similar to that contained in the 17 Geo. 3. c. 56. It was clearly the intention of the legislature to repeal the 17 Geo. 3. The title of it is fully and accurately set out in the preamble to 58 Geo. 3. c. 51. Since the time of Henry VII. acts of parliament have always been described by the legislature by their titles, and the clerical error, as to the year in which the act passed, cannot avail against the clear intention of the legislature (18). On this point they cited the following authorities—*Mills v. Wilkins* (19), *Bac. Abr.* tit. 'Statute,' (L), 5, *Andree v. Fletcher*

(11) 1 Ad. & El. 481; s. c. 3 Law J. Rep. (N.S.) M.C. 100.

(12) 3 B. & C. 649; s. c. 3 Law J. Rep. K.B. 111.

(13) 1 Q.B. Rep. 143; s. c. 10 Law J. Rep. (N.S.) M.C. 67.

(14) 13 Law J. Rep. (N.S.) M.C. 58.

(15) 13 East, 139.

(16) 1 B. & C. 101.

(17) 6 Car. & Pay. 167.

(18) It was suggested as a probable explanation of the discrepancy, that it was the original intention of the framers of the act, 58 Geo. 3. c. 51, to repeal both the 13 Geo. 3. c. 68. and the 17 Geo. 3. c. 56, as regarded the distribution of the penalties; and that in revising the draught of the bill, the framer had struck out by mistake the title of the former, and the date of the latter statute.

(19) 6 Mod. 62.

(20), *Anonymous* (21), *Com. Dig.* tit. 'Parliament,' (R), 10. Secondly, there was no necessity to set out in the conviction, that the previous information was before other Justices than the convicting Justices. The statute 3 Geo. 4. c. 23. applies only to cases where no particular form of conviction is directed. But here a form is given.

[COLERIDGE, J.—*Jones v. Gurdon* turned upon the particular words of the act 52 Geo. 3. c. 93, which gave authority to a Justice, being a Commissioner of Taxes, upon information made to him, to summon the person accused before him. There, the act being restrictive, it was held, that the statute 3 Geo. 4. c. 23. s. 2. would not operate. But it is clear that that statute was meant to operate upon previous statutes, and here the statute 17 Geo. 3, being general, why should not the provision at the close of the 2nd section, 3 Geo. 4. c. 23, apply ?]

It only applies where no form is given, or to the cases mentioned in the former part of the same 2nd section. The two statutes are not inconsistent, and may stand together. They cited *Williams v. Pritchard* (22), and *Dakins v. Seaman* (23).

[PATTESON, J.—The other side say that the form of conviction, given in the 17 Geo. 3. c. 56, was a good form, without stating that the information was made before other Justices than the convicting Justices, up to the 3 Geo. 4, but that that act super-added something to the form previously used.]

Thirdly, the 14th section creates a new offence. If so, this is a good conviction under the 14th section only. But if not, the 10th and 14th sections must be taken together, and then the offence is sufficiently made out, if it appear that the party was dishonestly in possession of materials suspected to be stolen, and gave no satisfactory account when called on so to do. This was in substance the offence intended to be punished and guarded against. It was not necessary that the materials should be found in his house (though that fact *does* appear), nor that they should be found concealed

(20) 2 Term Rep. 161.

(21) Skin. 110.

(22) 4 Term Rep. 2.

(23) 9 Mee. & Wels. 777; s. c. 11 Law J. Rep. (N.S.) Exch. 274.

there. That no search warrant was necessary to give the Magistrates jurisdiction, was expressly decided by Tindal, C.J., in *Davis v. Nest*. The 10th and 11th sections merely point out the process by which the party is to be brought before the Magistrates, and the goods discovered. If a party entered without any warrant, he might be liable in trespass for such entry, but still if the materials were found there, the Magistrates would have jurisdiction to proceed to inquire and convict. Even if it were necessary to prove that the previous proceedings were properly taken, it was not necessary to state them in the conviction, where there is a form of conviction given by the statute, as here—*Chaney v. Payne* (24), *Nixon v. Nanney*.

*Cur. adv. vult.*

The judgment of the Court was now (May 15,) delivered by—

LORD DENMAN, C.J.—In this case three objections were made to the conviction: first, that the penalty was not properly distributed; secondly, that the conviction was by two different Justices from those who received the information; and, thirdly, that the goods were not found concealed, nor under a search-warrant. If any one of these objections is fatal, the conviction is to be quashed; if not, it is to be affirmed. None of them can be properly considered, without an examination of the whole law on the subject. The conviction is framed on the 17 Geo. 3. c. 56. s. 10 & 14, and charges in substance, that the defendant had in his dwelling-house and in his possession certain materials, suspected to have been purloined; that he and the said materials were brought before the convicting Magistrates, when he gave no account to the satisfaction of the said Magistrates, how he came by them, nor produced at any time the person from whom he bought or received them. It then adjudges him guilty of a misdemeanour, and that he has thereby forfeited 20*l.*, this being his first offence, to be paid in the manner provided by the statute, and orders imprisonment for one month in default of payment. The conviction is in the very words of the

(24) 1 Q.B. Rep. 712; s.c. 10 Law J. Rep. (N.S.) M.C. 114.

10th section, with an addition rendered necessary by the 14th section, and negatives that the appellant produced before the Justices the person of whom the goods were bought or received by him. But an argument is founded on the introduction of the word “such” as applied to the materials, among the operative words of the 10th section, where it is said to have reference to materials, as described in its preamble. The recital is, “whereas it frequently happens that materials used in the manufacture before mentioned are found, or known to be concealed, in the possession of persons who have received the same, knowing them to be purloined or embezzled, or of persons not entitled to dispose of the same; and, whereas the discovery and conviction of the purloiners and embezzlers, buyers and receivers of such materials is full of difficulty, from the close and clandestine manner in which the offence is committed, and there is still greater difficulty in proving whose property such materials are; and it would tend to the discouragement and suppression of such offences if the discovery and conviction of such offenders were rendered more easy; and, whereas, by a former Act, (22 Geo. 2.) Justices of the Peace, after conviction of any offender for purloining or embezzling the said materials, or for buying or receiving the same, are authorized to grant warrants for searching the houses and other places of the persons so convicted, but no such authority is given before conviction, nor in any other house or place except such as belongs to a person before convicted.” Then the enactment follows: “that it shall and may be lawful for any two Justices, &c., upon complaint made to them, upon oath (or on affirmation by a Quaker) that there is cause to suspect that any such purloined or embezzled materials, &c. are concealed in any dwelling-house, &c., by a warrant under their hands and seals, to cause every such dwelling-house, &c. to be searched in the day-time;” then the misdemeanour is created; “and if any such materials, suspected to be purloined or embezzled, shall be found therein, to cause the same, and the person or persons in whose house, &c. the same shall be found, to be brought before any two Justices, &c., and if the said person shall not give an account to the satisfaction of such Justices

how he came by the same, then he shall be deemed and adjudged guilty of a misdemeanour, and shall be punished in manner thereafter mentioned, although no proof shall be given to whom such materials belong." The word "*such*" is supposed to incorporate, in the description of the materials found, all the preceding particulars, or at least the fact of their being concealed in the dwelling-house where they are found; but we think this is not the true construction. "*Such*" does not appear to be applied to the circumstances, but to the nature of the article. It is not "*so found*," or "*found upon such search*," nor "*found concealed*," nor is there any reason why that limitation should be imposed, either by the legislature or by any judicial interpretation of the statute. The preamble recites the mischief, and moreover gives some additional powers for preventing it; but the offence meant to be put down is the possession of goods suspected to be purloined, without being able to give a satisfactory account of them. The difficulties that had protected suspicious goods from seizure induced the legislature to provide a penalty against all in whose possession they might be found without explaining how they were come by; and the *prima facie* case is equally made out, whether they are found in their possession in the course of an unexpected visit, or by virtue of a search-warrant. This was the view taken by the Chief Justice of the Common Pleas, in *Davis v. Nest*, and we think it perfectly correct. The concealment is merely evidence, and by no means essential to the definition of the offence.

Secondly, whether the penalty is properly distributed by the adjudication is assumed to depend on the question, whether the act just alluded to was in those particulars repealed by the 58 Geo. 3. c. 51. s. 3, which repeals an act passed in the 13 Geo. 3. intitled, an act, with the title of that which I have just referred to. The title of the 17 Geo. 3. is set out in the preamble to the 58 Geo. 3, not that of any act passed in the 13 Geo. 3, nor we presume of any other act whatsoever. A mistake has been committed by the legislature in setting out the year in which this act passed; but having referred to the subject-matter, and looking to the contents of the act itself, we cannot but find the intention was to repeal

the 17 Geo. 3, and we think that the incorrect year must be rejected. The third objection, arising from the information having been before different Justices from those who convicted, is, that the fact of such difference is not recited in the conviction, as required by the 3 Geo. 4. That act must be taken generally. If the latter part of the second section, the part on which this turns, were confined in its operation to the case provided for in the former part of that section, viz., the commencement of a proceeding by one Justice, where two are necessary for the hearing and conviction, there is no reason why the words, Justice or Justices should be introduced. It clearly contemplated an information laid before two Justices. The words are as general as may be, and the application of the provision is as reasonable, where two have received the information, and two others have heard the evidence, as where one only has commenced the proceeding. For this objection we think that the conviction was bad.

#### *Order of Sessions confirmed.*

1845. { THE QUEEN v. THE INHABIT-  
May 3. { ANTS OF ST. PAUL, COVENT  
GARDEN.

*Appeal—Examination, Material Allegation in—Certainty—Settlement of Illegitimate Child, born after the Stat. 3 & 4 Will. 4. c. 76. came into operation.*

*Where a date is material with reference to the state of the law at the time a settlement is alleged to have been gained, such date must be stated precisely.*

*Therefore, where a pauper was removed to parish A, as his birth settlement, and it was alleged in examinations that such pauper was born out of wedlock in parish A, in or about the year 1833, nothing being said as to the settlement of his mother:—Held, that as the words "in or about" the year 1833 did not necessarily exclude the 14th of August 1834 (the time when the statute 4 & 5 Will. 4. c. 76. came into operation), the examinations were insufficient.*

*An impression made on an order with ink, by means of a wooden block, is a sufficient sealing.*

On appeal against the order of two Justices for the removal of Thomas Hoggarty from the parish of St. Martin in the Fields, to the parish of St. Paul, Covent Garden, the Sessions confirmed the order, subject to the opinion of this Court on the following

#### CASE.

The order was made on the examinations of Cecilia Shea, otherwise Hoggarty, and Samuel Matthews. The said Cecilia Shea, otherwise Hoggarty, stated that she is residing at the workhouse at St. Pancras, in the county of Middlesex; that she is the mother of the said Thomas Hoggarty; that "*in or about the year 1833*" the said Thomas Hoggarty was born out of wedlock, at the house of one Mr. Flight, in Hart Street, now known as No. 33, Hart Street, in the parish of St. Paul, Covent Garden, in the liberty of Westminster, in the county of Middlesex. The said Samuel Matthews, for himself, upon oath, saith, that he is messenger to the guardians of the parish of St. Martin in the Fields, in the liberty of Westminster, in the county of Middlesex; that the above-named Thomas Hoggarty, now present, is now residing at the workhouse of and in the parish of St. Martin in the Fields, in the said liberty and county, by which parish he has been relieved, and to which parish he is now actually chargeable. When the appeal came on to be heard, the appellants insisted that the said order ought to be quashed, for the insufficiency of the examinations on which it was made, and relied on the following grounds of appeal, as pointing out such insufficiency:—Secondly, that the examinations on which the said order was made are bad, defective and insufficient, inasmuch as they severally and collectively fail to shew that the said Thomas Hoggarty was born on or before the 14th day of August, in the year of our Lord 1834, and also inasmuch as they likewise fail to shew that the said Thomas Hoggarty ever inhabited in the said parish of St. Paul, Covent Garden, so as to gain a settlement there; thirdly, that the said examinations contained no evidence sufficient to warrant and justify the adjudication contained in the said order, that the said parish of St. Paul, Covent Garden, is the place of the last legal settlement of the said Thomas Hoggarty; fourthly, that the said order is bad, because no evidence what-

ever was received by the said Justices to shew whether the said Thomas Hoggarty had himself acquired any settlement in his own right, although it appears from the said examinations that the said Thomas Hoggarty was present before the said Justices, and that his said mother was also present before them when the examinations were taken. The Court of Quarter Sessions overruled each of these grounds of appeal, and held the examination sufficient, subject to the opinion of the Court of Queen's Bench. Another objection taken by the appellants under another ground of appeal was, that they had not had sent to them any sufficient notice of the pauper being chargeable to or relieved by the removing parish; the only notice sent to the appellants was signed by seven persons styling themselves "*overseers*" of the parish of St. Martin in the Fields, whereas, at the time the notice was sent, there were two churchwardens, nine overseers, and twenty-four guardians, acting in and for the said parish. The Court of Quarter Sessions overruled this objection, subject to the opinion of this Court. Another ground of appeal, was that the said order is bad on the face thereof, and that the same was not signed and sealed by the said two Justices by whom the same purports to be made.

The respondents produced the said order of removal on the hearing of the appeal, and it appeared to the Court of Quarter Sessions that the signatures John Johnson and J. Tidd Pratt were the signatures of John Johnson and J. T. Pratt, two of her Majesty's Justices of the peace in and for the said county of Middlesex. On inspecting the said order it appeared to the Court not to be under the seals of the said Justices, and the respondents were called upon to shew when and how certain impressions in ink, which were to be observed near the respective signatures of the said Justices, were placed on the said order. The attorney for the respondents was thereupon called as a witness, and upon his evidence it appeared to the Court that the form of order used in this case was a printed form; that the parish of St. Martin in the Fields employ a printer to print from time to time a large number of such forms; that on each sheet of such large number of forms a stationer is employed to impress two marks

in ink, which are so impressed by means of wooden blocks; that such impressions when so made at the foot of blank printed forms of orders of removal are intended to serve as seals for the Justices who may sign such orders. Each impression in this instance was so made before the sheets of paper had been sent to the parish officers of St. Martin in the Fields by the printer and stationer, and were in the same state on the order when it was made, as they were in when it was produced at the Sessions. The impressions represent an equestrian figure of St. Martin sharing his coat with a beggar, and is the size of an ordinary seal. The Court, after hearing the evidence on which the facts appeared, held that the impression in ink made by such blocks was a sufficient seal to make the order, when signed and delivered by the Justices, a good and valid order. If the Court of Queen's Bench should be of opinion that any of the objections to the said examinations above specified ought to have been allowed by the Court of Quarter Sessions; or if the Court of Queen's Bench should be of opinion that the notice of chargeability so sent as aforesaid was on the face thereof insufficient; or if the Court of Queen's Bench should be of opinion that the said order was not so made under the hands and seals of the said Justices as to be a valid order, then the said order of Sessions and the said order of removal were to be severally quashed; otherwise the same to stand affirmed.

*Wortley and Bodkin*, in support of the order of Sessions.—First, the pauper's mother states, that her illegitimate child was born in the parish of St. Paul; that is *prima facie* the place of its settlement, and that rule applies whether the child is legitimate or illegitimate; if so, it is no objection to the examinations that they do not shew that the pauper was born before the passing of the Poor Law Amendment Act on the 14th of August 1834. That act provides, by section 71. that every bastard child shall follow its mother's settlement till it attains the age of sixteen; but it does not appear there whether the mother's settlement was known to the Justices, and it must be taken on these examinations that it was in St. Paul's; there should be, at all events, distinct evidence of some other settlement to

do away with the *prima facie* one of birth—*The King v. Heaton Norris* (1). But, secondly, it is stated with sufficient certainty, that the child was born before the 13th of August 1834.

[WIGHTMAN, J.—You do not say in what part of the year 1833 the child was born.]

The expression "in or about" is a way usually adopted, as it is impossible to swear to a precise day. It was not objected to in *The Queen v. the Justices of Sussex* (2); and in *The Queen v. the Justices of the West Riding of Yorkshire (Drighlington v. Pudsey)* (3) the statement was of a renting a tenement in or about the years 1828, 1829, or 1830, or some or one of them; and there was a similar statement in *The Queen v. the Recorder of Pontefract* (4).

[WIGHTMAN, J.—But would the want of certainty there make any difference?]

It is enough for overseers to give all the information they possess—*The Queen v. North Bovey* (5), *The Queen v. Bridgwater* (6). The words "in or about" are more certain than the term "about," which was held sufficient in *The Queen v. Derbyshire* (7).

[LORD DENMAN, C.J.—It may be sufficient for the parish to tell all they know, but the statement must amount to a good legal settlement.]

As to the sealing—The impression need not be made with wax—*Sugden on Powers*, 4th edit. 238, 239—*Sprange v. Bernard* (8).

[LORD DENMAN, C.J.—We have no doubt on this point.]

*Pashley*, contra.—As to the first point, if consistently with this statement a settlement might not have been gained, the statement is insufficient. The case of *The Queen v. Ripon* (9) establishes the strict rule on this subject; and the earlier cases in which

(1) 6 Term Rep. 653.

(2) 10 Ad. & El. 682; s. c. 9 Law J. Rep. (N.S.) M.C. 22.

(3) 2 Q.B. Rep. 505; s. c. 11 Law J. Rep. (N.S.) M.C. 80.

(4) Ibid. 548; s. c. 12 Law J. Rep. (N.S.) M.C. 81.

(5) Ibid. 500; s. c. 11 Law J. Rep. (N.S.) M.C. 71.

(6) 10 Ad. & El. 693; s. c. 8 Law J. Rep. (N.S.) M.C. 72.

(7) 1 Will. Wol. & Hod. 323.

(8) 2 Bro. C.C. 585.

(9) *Ante*, p. 102.



the objection was not specifically taken, are not authorities against it. Will the Court say that the expression "in or about" necessarily means less than six or eight months? Take the case of an indictment for ravishing a child under the age of ten years, the age being the substance of the offence, would it be sufficient to say that the child was "about" the age of ten years? Where the pauper clearly appears to be illegitimate, as is the case on the face of these examinations, if the birth took place after August 1834, the settlement would not be that of birth. There is no reason to presume that the mother's settlement was in St. Paul's; *prima facie* it would be in the removing parish; and she might at all events have been asked the question. In *The Queen v. Lydeard St. Lawrence* (10), the fact of the Justices having the means of inquiry before them, is noticed by Patteson, J. Then, as to the seal. This is an order purporting to be made "under the hands and seals" of two Justices, but there was not such a sealing as the law requires. There should be a substance of some kind in addition to the paper—*Lightfoot and Butler's case* (11), *Adam v. Kerr* (12), and *Shep. Touch.* 52, 57.

LORD DENMAN, C.J.—We do not wish to encourage any doubt as to the sufficiency of the seal, but we think that on another ground this order is bad. On looking at the statement of the time of birth, we see that it is such that it affords no presumption that the child was not born after the particular period when the Poor Law Amendment Act came into operation. The words "in or about" leave those matters in doubt; and it being most material to know whether the birth was before or after the 14th of August 1834, it was the duty of the Magistrates to satisfy themselves clearly on this head, for if the child was born before that period, the removal to the place of birth would do; but if the birth was after that time, then the inquiry should be further pursued, and the mother's settlement investigated. I do not say that the mode of statement might not be sufficient for the purpose of information,

if it were in other respects immaterial; but here it is most material, and should have been distinctly ascertained.

PATTESON, J.—I am of the same opinion. Here we find the words "in or about." Cases have been cited such as *The Queen v. Derbyshire*, in which the word "about" was considered sufficient, but I do not think that it appeared in any of them that the words were of any kind of consequence, except to give information to the other party. Here the words "in or about" the year 1833 cannot mean "in" the year 1833. The word "about" excludes the year 1833, and does not necessarily confine the time to a period previous to 1833, but might perhaps include August 1834, and if the child was born after the 14th of that month its settlement, up to the age of sixteen, would be that of the mother, and would not depend on the place of birth. Then the mother herself was examined, and no further questions were asked her as to the precise time of her child's birth. If she had been asked she probably would have said that the birth was in the year 1833; but that not having been done, nothing appears in the examination to fix the time with certainty as having been before August 1834.

WILLIAMS, J.—I am of the same opinion, and on the same ground, namely, that the point of time given in the examination being the very critical period when the act passed, therefore it was most material with reference to the actual state of the law to give the exact date. The words "in or about" fail to give the necessary information, and are too loose.

WIGHTMAN, J.—It is so very difficult to assign any period before or after the year 1833 to satisfy the word "about" that in a matter in which the time is material, I think the examination does not convey sufficient information. It is necessary that the examination should shew the birth to have been at a period when it would give a settlement in the parish in which it took place; but I am not prepared to say that the words "in or about" 1833 would not be satisfied by proof of some time subsequent to the month of August 1834.

*Order of Sessions quashed.*

(10) 11 Ad. & El. 628; a. c. 10 Law J. Rep. (N.S.) M.C. 147.

(11) 2 Leon. 21.

(12) 1 Bos. & Pul. 360.

1845. { THE QUEEN v. THE IN-  
 April 26; May 3. { HABITANTS OF ST.  
                               ANNE'S, WESTMINSTER.

*Settlement—Examinations—Evidence.*

*The examination of a witness on which an order of removal was grounded, stated that the pauper, under letters of administration granted to him, had become possessed of a tenement in the appellant parish, and shewed that he had gained a settlement in respect thereof. A copy of letters of administration, corresponding in every respect with those described by the witness, was sent with the examination to the appellant parish:—Held, that it sufficiently appeared that the letters of administration, a copy of which was sent, had been produced before the removing Magistrate.*

On appeal against an order of a Metropolitan Police Magistrate, for the removal of Thomas Munday, his wife and family, from St. Leonard's, Shoreditch, to St. Anne's, Westminster, the Court of Quarter Sessions for the county of Middlesex confirmed the order, subject to the opinion of this Court upon a CASE, the material parts of which were as follows:—The examination of Maria Munday, &c., who; on her oath, saith that she is about thirty-nine years of age, and is the wife of Thomas Munday, &c.; that on the 19th of January 1834, Stephen Munday, the brother of this examinant's said husband, died possessed of an estate, that is to say, a dwelling-house, situate No. 1, Market Street, Newport Market, in the parish of St. Anne, within the liberty of Westminster, which said dwelling-house was then of the value of 40*l.* per annum; that the said Stephen Munday made and executed his last will and testament, bearing date the 19th of January 1834, but did not therein appoint any executor, whereupon letters of administration, with the will annexed, on the renunciation of certain parties in such letters named, were granted unto this examinant's husband, the said Thomas Munday, bearing date the 26th of July 1834; and, as administrator with the will annexed of the said Stephen Munday, he, the said T. Munday, occupied the said dwelling-house, and resided therein for forty days and upwards, between the 25th of July 1834 and the 25th of July 1835.

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The following were the only grounds of appeal material to the present case:—First, that it did not appear by the said examination that the said order of removal was founded upon any legal or sufficient proof, or any evidence of the grant or issuing of letters of administration, with the will annexed, of the estate and effects of the said Stephen Munday, deceased, to the said Thomas Munday, as administrator; secondly, that it did not appear by the said examination that the letters of administration, with the will annexed, were produced before the removing Justice, at the time of his inquiring into the settlement of the said Thomas Munday, and of his making the said order of removal.

When the case came on to be heard, the appellants objected that the examination was insufficient, upon the first and second grounds of appeal above stated. The respondents argued, that, taking the examination and the letters of administration together, which the Court ought to do, as they had been sent together to the appellants, and had been filed together in the Court of Sessions, and as the date of the letters of administration was stated in the examination, it appeared they must have been produced before the removing Magistrate. The appellants objected that such proof could not be permitted to be given in answer to their said objections. The Court received the evidence, subject to the opinion of the Court of Queen's Bench on its admissibility. It was proved that at the time of making the order the letters of administration were, as alleged by the respondents, in fact, produced before the said removing Magistrate; and it was admitted that, together with the copy of the examination and order, a copy of the letters of administration, with the will annexed, had been sent to the appellants, but without any notice to the appellants that the same had been so produced before the removing Magistrate. A rule of court of the said Sessions requires the appellants to file a copy of the order and examinations; and the appellants had filed a copy of the letters of administration, with the will annexed, together with the copy of the examination. The Court of Quarter Sessions allowed the fact of the production of the letters of administration before the removing Magistrate to be proved, over-

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ruled the objection, and confirmed the order subject to this case.

*Prendergast*, in support of the order of Sessions.—All that was necessary was done. It appears that the letters of administration were before the Magistrate, and a copy of them was sent with the examinations to the appellant parish. Letters of administration prove themselves: they are not documents to the execution of which there is an attesting witness, in order to prove which the attesting witness must be called.

*Pashley*, contra.—It ought to have appeared on the face of the examination that some witness had produced before the Magistrate, and so connected with the parties the letters of administration, a copy of which was sent to the appellant parish—*The Queen v. the Inhabitants of Mildenhall* (1), *The Queen v. the Inhabitants of Flockton* (2), and *The Queen v. the Inhabitants of Rishworth* (3), were cited.

[WILLIAMS, J.—I presume you contend that the examinant, after stating the substance of the letters of administration, ought to have added, “as by the letters testamentary now produced, reference being thereunto had, will more fully and at large appear.”]

[PATTERSON, J.—Strike out of the examination all mention of the letters of administration. It would be perfectly good without it.]

*Cur. adv. vult* (4).

The judgment of the Court was now (May 3rd) delivered by—

LORD DENMAN, C.J.—We think that there really is no doubt upon this case. We think it is impossible not to see that the letters of administration which were sent with the examination were those that were before

the Justice: it would be shutting our eyes if we raised any doubt upon the subject, and therefore we are able to decide this case without at all interfering with the case of *The Queen v. the Inhabitants of Mildenhall*, in which the document that was acted upon did not appear to have been produced before the Justices.

*Order confirmed.*

1845. } THE QUEEN v. THE DOCK  
Jan. 22, 25; } COMPANY AT KINGSTON-  
May 3. } UPON-HULL.

*Poor Rate—Docks—Tolls—Tonnage Duties.*

By the stat. 14 Geo. 3. c. lvi. lands were granted by the Crown to the Hull Dock Company, with power to make a dock, wharves, &c., therein; and in consideration of the expense attending the execution of the works thereby authorized, certain duties were made payable to the company for every ship coming into or going out of the harbour, basin, or docks within the port of Kingston-upon-Hull, or unloading or loading any of their cargo within the said port. The company, under the powers given them, built three docks, viz., the Old dock, the Junction dock, and the Humber dock, communicating with each other. They built, also, an entrance basin to the Humber dock, from the River Humber, and an entrance to the Old dock from the harbour, or River Hull, which falls into the River Humber. The company had no right of property in the harbour, nor did they occupy anything there, except the entrance basin of the Humber dock. The port of Hull includes the harbour or River Hull, and a portion of the River Humber. All vessels, frequenting the port of Hull, paid tonnage duties to the company, whether they entered any part of the docks or basin of the company or not, and all such tonnage duties were paid and collected at the custom house:—Held, that the company were rateable to the relief of the poor, in respect of the tonnage duties received by them, for ships using their docks or entrance basin, but that they are not rateable in respect of the tonnage duties received by them for ships or vessels entering the harbour and port, but not using the docks or entrance basin.

(1) 2 Q.B. Rep. 517; s.c. 11 Law J. Rep. (N.S.) M.C. 107.

(2) Ibid. 539; s.c. 12 Law J. Rep. (N.S.) M.C. 70.

(3) Ibid. 476; s.c. 11 Law J. Rep. (N.S.) M.C. 34.

(4) *Pashley* also objected that the order of removal was bad on the face of it, for want of jurisdiction in the single Police Magistrate to make it. To this it was replied, that the objection could not then be raised, and *The King v. Guildford*, 2 Chit. Rep. 284, was cited; but it appeared on examination that the Magistrate had jurisdiction, and the Court expressed no opinion as to the authority of *The King v. Guildford*, which *Pashley* contended could not be supported.

On an appeal to the Quarter Sessions for the town and borough of Kingston-upon-Hull, against a rate for the relief of the poor, in which the Dock Company at Kingston-upon-Hull were appellants, and the governor and guardians of the poor of the said town were respondents, the Court of Quarter Sessions amended the rate and assessment, subject to the opinion of this Court on the following

CASE.

The docks of the said company at Kingston-upon-Hull have been made in pursuance of certain acts of parliament, namely, the statutes of 14 Geo. 3. c. lvi, 42 Geo. 3. c. xci, 45 Geo. 3. c. xlii, 5 Geo. 4. c. xiii (1). By 14 Geo. 3. c. lvi. s. 42. it was enacted, that, in consideration of the great charges and expenses which the making, building, erecting and providing the basin or dock, quay or wharf, reservoirs, sluices, bridges, roads and works, thereby directed to be made, and the supporting, maintaining and keeping the same in repair for the future would amount unto, there should be payable, and paid, from and after the 31st of December 1774, to the said Dock Company, or to their collectors or deputies for their use, for every ship and vessel (the king's ships of war, and other ships and vessels employed in his Majesty's service only excepted) coming into, or going out of the said harbour, basin or docks within the port of Kingston-upon-Hull, or unloading or putting on shore, or loading, or taking on board any of their cargo, or any goods, wares or merchandises within the said port, by the master or commander, owner or owners of every such ship or vessel, the rates or duties of tonnage, thereafter particularly rated and described.

Soon after the passing of the 14 Geo. 3. c. lvi. the Old dock was built by the appellants. The Humber dock, with the Lock Pit, and entrance basin thereto, was built by the appellants, shortly after the passing of the 42 Geo. 3. c. xci. The third, or Junction dock, was subsequently built by the appellants. The three docks communicate one with another, and the Humber dock has an entrance into the same from the river Humber. The Old dock has an entrance

(1) It was agreed that to these or any other acts relating to the docks of the appellants, either party might refer.

into the same from the harbour or river Hull, which falls into, and is entered from the river Humber, and the Old dock communicates with the Humber dock by means of the Junction dock.

[A plan was annexed to the case, which it was agreed either party might refer to.]

The dock company have no right of property in this harbour or haven, nor do they occupy anything there, or on the shores of the Humber, except the entrance basin of the Humber dock. The west or town-side of the Old harbour to the mid-stream thereof, opposite the town, is within the parishes of Holy Trinity and St. Mary in the said town, for which parishes the said rate was made.

The port of Hull, in its more confined sense, includes the river Humber to the midstream thereof, opposite the town and harbour; and all vessels frequenting the docks and harbour pass through that portion of the river Humber which is within the port of Hull as above described. Some of them discharge and load their cargoes in the Humber, opposite to the town, and on the town side of the midstream thereof, without entering the harbour, or the entrance basin, or any of the docks, and without ever using any part of the soil or property of the dock company, and without ever coming within the limits of either of the before-mentioned parishes. Others discharge and load their cargoes in the entrance basin of the Humber dock, without entering any of the docks or the harbour, and without using any other of the soil or property of the dock company, than the entrance basin. Others enter the Old harbour, and discharge and load their cargoes there, some on the east side, and others on the west side thereof, but without, in either case, entering any of the docks or basins, or using any part of the soil or property of the dock company. Others enter the harbour, and proceed through it into the Old dock, and discharge and load their cargoes, either there or in the Junction or Humber dock. Others enter the entrance basin of the Humber dock, and proceed through it into the said last-mentioned dock, and discharge and load their cargoes, either there or in the Junction dock, or in the Old dock. All the five classes of vessels above mentioned pay tonnage dues to the appellants.

The tonnage dues, in respect of which the Dock company are rated, are all paid and collected at the Queen's custom house, without reference to the place where the vessels are lying, or discharge or take in their cargoes, and whether they enter any part of the docks or basin of the company or not.

The appellants were rated in the rate or assessment which was the subject of the appeal, to the full amount (subject to the usual and necessary deductions) of the tonnage dues received by them for all the above-mentioned vessels frequenting the port of Hull, in whatever part of the port their cargoes were discharged or loaded, and whether they entered the basins or docks, and harbour, or any of them, or not.

The town of Kingston-upon-Hull consists of two parishes, viz., the parish of the Holy Trinity and the parish of St. Mary, and all the docks and basins, as well as the west side of the Old harbour to the midstream of the River Hull, are locally situate within the said two parishes.

For the appellants it was contended, that the dock company could not be rated for their property, in respect of any of their tonnage dues, inasmuch as they were all earned before the vessels came within either of the aforesaid parishes of Holy Trinity and St. Mary, or came into the docks, or upon the soil of the company, and that at all events they could only be rated in respect of the tonnage dues paid for such vessels as actually came into or used the docks or soil of the company, and also came within the limits of the aforesaid parishes.

The respondents, on the other hand, contended, that as all the dues were given in respect of the docks, the company were liable to be rated for their docks in respect of the whole amount of tonnage dues paid at the port of Hull, whether the vessels entered the dock or used the soil of the company or not.

The Sessions held, that the appellants were liable to be rated in respect of the tonnage dues received by them, (subject to the deductions aforesaid,) for ships or vessels using their docks and entrance basin, that is to say:—First, for those using the entrance basin without going into the docks. Secondly, for those passing through the old harbour to the Old dock, and using that or

the other docks. Thirdly, for those passing through the entrance basin into the Humber dock, and using that or the other docks.

But the Sessions held that the appellants were not liable to be rated in respect of dues received by them for ships or vessels not using their docks or entrance basin, that is to say:—First, for those discharging their cargoes in the river Humber, without entering the harbour, entrance basin, or docks. Secondly, for those which discharge their cargoes in the Old harbour, either on the west or east side thereof, without entering the docks or basin.

The Sessions amended the rate accordingly. The question for the opinion of this Court was, whether the appellants were liable to be rated in respect of all or any of the above classes of dues received by them, and the rate was to stand, or to be increased, or to be reduced accordingly.

The case was argued in Hilary term last, (January 22 and 25,) by

*M. D. Hill, Archbold, and Raines*, for the respondents, who contended, that all the five classes of dues were rateable; and by

*Kelly, Wortley, Martin, and Bain*, for the appellants, who contended, that none of the five classes were rateable.

The following cases were cited in the course of the argument:—

*The King v. the Dock Company of Hull*,  
1 Term Rep. 219.

*The King v. the Hull Dock Company*,  
5 Mau. & Selw. 394.

*The Dock Company at Kingston-upon-Hull v. Browne*, 2 B. & Ad. 43.

*The King v. Barnes*, 1 B. & Ad. 113;  
s. c. 8 Law J. Rep. M.C. 115.

*The Queen v. the Marquis of Salisbury*,  
8 Ad. & El. 716; s. c. 7 Law J.  
Rep. (N.S.) M.C. 110.

*The King v. the New River Company*,  
1 Mau. & Selw. 503.

*The Queen v. the Cambridge Gaslight Company*, 8 Ad. & El. 73; s. c. 7  
Law J. Rep. (N.S.) M.C. 50.

*The King v. Coke*, 5 B. & C. 797; s. c.  
5 Law J. Rep. M.C. 32.

*The King v. the Aire and Calder Navigation Company*, 3 B. & Ad. 533;  
s. c. 1 Law J. Rep. (N.S.) M.C. 90.

*The Queen v. the Bristol Dock Company*, 1 Q.B. Rep. 535; s. c. 10 Law  
J. Rep. (N.S.) M.C. 105.

*The King v. the Mayor of London*, 4 Term Rep. 21.

*The King v. Sir A. Macdonald*, 12 East, 324.

*The King v. Rebow*, cited in Cowp. 583.

*The King v. Thomas*, 9 B. & C. 114; s. c. 7 Law J. Rep. M.C. 66.

*The King v. Fowke*, 5 Ibid. 814, n.

*The King v. the Regent's Canal Company*, 6 B. & C. 720; s. c. 5 Law J. Rep. M.C. 151.

*Cur. adv. vult.*

The judgment of the Court was now delivered by—

LORD DENMAN, C.J.—This case arose out of the decision in *The Queen v. the Bristol Dock Company*. Many cases have been decided and are reported as to the mode of rating the Hull Dock Company; but it is now for the first time contended, that they are not rateable at all. We do not mention this as in itself an objection to the view now first put forward by the company, but in order to shew what the real question is. If the defendants are within the principle of that case, they are not rateable at all; or if they be within the principle as to part of their tolls, they are not rateable as to that part. The case of the Bristol Dock Company was a very peculiar one. The company there were empowered to convert a large portion of the river Avon into a floating harbour, and to construct a new channel for the river itself,—a great work, in respect of which certain dues were granted to them for every ship entering into the port of Bristol. That port extended to a great distance, and many ships would enter it, which would have no occasion to use the floating harbour, and yet would be liable to pay the dues under the act of parliament. In that respect, the present case is very similar, for here many vessels are liable to pay dues to the company which never use their docks at all. But in the case of the Bristol Dock Company, the floating harbour was not the property of the company; before it was converted into a floating harbour, it was part of the river Avon, and of the port of Bristol, the property in which was vested in the corporation, (if in any subject,) and there are no words in the act of parliament vesting the property in the company. But it was sought to rate them

in respect of entries into the floating harbour of Cumberland Basin, because that, or at least part of it, was the property of the company. That basin consisted of a portion of the old river Avon, with an addition made to it, by excavating several acres of land. Those additions appear to have been the property of the company; but the act of parliament provided that the company, in respect of these additions, should be rated in a particular manner, and the Court thought that the company could be rated for them, only in the manner provided by the act, and that dues on tolls could not be said to be profit arising in that basin, in the parish in which it was situate. Here, on the contrary, the docks themselves are the property of the company—they were excavated from land granted to the company, and made entirely *de novo* by them. The occupiers of the land, before the docks were constructed, were rateable for it, and if the docks yield any profit to those who constructed them out of that land the company surely must, in the absence of any enactment to the contrary, be liable to be rated in respect of such profits. In the Bristol case, inasmuch as the company could not be rated in respect of the principal subject-matter, the floating harbour, for which the dues were granted and received, the Court held that they could not be rated for the main entrance basin to that subject-matter, as if the tolls were earned in that entry. In the present case, the company can be rated in respect of the principal subject-matter, that is, the docks themselves. But it is said, that the tolls in this case are not given for the use of the docks, because ships must pay whether they use them or not; and so because those ships, which do not enter the docks, cannot be said to pay for the use of them, it is urged that those which do enter the docks, and use them, cannot be said to pay for the use of them. This argument is ingenious, but we do not think it conclusive; nor did it prevail in the Bristol case. The Court did not say there that the tolls were not granted for the use of the floating harbour, as regards those ships which use the floating harbour, but that the company could not be rated in respect of the tolls, because they were not owners of the floating harbour, and it was not attempted so to rate them. But it is said

further, that these tolls are due on the ship the moment it enters the port of Kingston-upon-Hull, whether it proceeds into the docks or not; and, therefore, as the dues attach before arrival in the docks, they could not be said to be profits earned in the docks. The language of the act of parliament, 14 Geo. 3, is not uniform and consistent in the different sections, nor free from doubt; but it sufficiently appears from sections 42, 43 and 44, that the tolls are not due and do not attach upon a ship merely coming into the port; they attach on ships coming into the said harbour, basin, or docks, within the port of Kingston-upon-Hull, or unloading or loading goods within the said port. "The harbour," then, will probably mean the whole harbour of Hull Haven; but, whatever it means, a distinction is made between "coming into the docks," and "unloading or loading within the port," sufficient to shew that the tolls do not attach on a ship the moment it comes into the port. The fact, therefore, on which this part of the argument rests, is not as stated; but, if it were, the argument is not conclusive. The ship which actually comes into and uses the dock is not the less benefited by it, because the toll must have been paid even if it had not come in, and the benefit conferred by the use of the dock is not the less meritorious cause of the toll because other ships pay to which that meritorious cause does not apply. To those which come into the docks, the benefit is conferred by the docks and in the docks; and, therefore, the toll paid for that benefit must be held to be earned there in the docks, and to be profit arising there. As to those ships which do not come into the docks, which never are on the property of the company at all, the case is very different. The toll given to the company, and which such ships are obliged to pay, is doubtless given in respect of the company having made those docks; but still it does not arise from the use of the docks, nor is it earned in them. It is a naked toll, just as much as toll paid by vessels passing light-houses, and similar cases.

Upon the whole we are of opinion, that the learned Recorder was right in the view he took of this case, and that the order of Sessions must be confirmed.

*Order of Sessions confirmed.*

BAIL COURT.  
1845.  
Jan. 29. }

THE QUEEN *v.* GOMPERTZ  
AND OTHERS.

*Indictment—Venue.*

*An indictment, charging the offence to have been committed at Gray's Inn, in the county of Middlesex, is sufficient.*

*Peacock* applied for a rule to shew cause why an indictment for conspiracy, which had been preferred and found against the defendants, and removed into this court by *certiorari*, should not be quashed, on the ground that no sufficient venue was alleged; the offence being stated to have been committed "at Gray's Inn, in the county of Middlesex." There is no such place as Gray's Inn, in the county of Middlesex, from which a jury could be summoned, and the offence is therefore insufficiently charged. This application is before verdict, and the defect is not aided. In *The King v. Harris* (1), an indictment laying the offence to have been committed at the Guildhall, in the city of London, was held to be bad, as the venue should be laid in some parish or ward. The Court will, upon motion, quash an indictment for want of an addition to the defendant's name — *The King v. Thomas* (2).

WILLIAMS, J.—I think that this objection ought not to prevail. The rule which was formerly adopted, that time and place must be added to every material averment in an indictment, has been frequently broken in upon since the case of *The King v. Holland* (3), for the jury are now summoned, not *de vicineto*, but *de corpore comitatus*. Suppose, then, that the words "Gray's Inn" had been omitted altogether, it would then appear that the offence took place in the county, which would, according to the present practice, be sufficient; and it seems to me to be quite immaterial whether there is such a place as Gray's Inn, or what its character may be.

*Rule refused.*

(1) 2 Leach, C.C. 800.

(2) 3 Dowl. & Ry. 621; s.c. 2 Law J. Rep. K.B. 41.

(3) 5 Term Rep. 607.

BAIL COURT. { THE QUEEN v. THE JUSTICES  
1845. { OF THE WEST RIDING OF  
May 23. { YORKSHIRE, (ST. PANCRAS  
AND BRADFORD).

*Poor Law—Mandamus—Notice of Appeal—Signature by a Majority of Parish Officers—Presumption—Imperfect Statement of Facts in moving for rule nisi.*

*A notice of appeal against an order of removal was signed by a majority of parish officers, and commenced, "We, the undersigned, being a majority of the churchwardens and overseers of the parish, &c."—Held, that the presumption was that it had been signed by the majority on behalf of the whole body of parish officers, and that the onus lay upon the respondents of shewing that in fact it was not so signed.*

*If a rule nisi for a mandamus to hear an appeal has been obtained upon affidavits stating imperfectly the grounds upon which the Sessions proceeded in their judgment, and the facts omitted are substantial and material to the case, the Court will discharge the rule with costs.*

A rule nisi had been obtained in Michaelmas term last, for a mandamus to the Justices of the peace for the West Riding of the county of York, to enter continuances and hear an appeal against an order of removal from Bradford, in the West Riding, to the parish of St. Pancras, in the county of Middlesex. The only ground stated in the affidavits upon which the rule was granted was, that a copy of the order and other documents having been duly served on the appellant parish, no notice of appeal had been sent by the appellants within twenty-one days from the receipt of the copy of the order, but notice and grounds of appeal were sent after the expiration of the twenty-one days, and before the removal of the pauper, and in due time before the next Sessions, according to the practice of the Sessions, and that the Sessions had refused to hear the appeal on this ground.

*Hall and Pashley* now shewed cause on affidavits, which stated, that at the time when the appeal came on to be heard, the respondents called upon the appellants to prove their notice and grounds of appeal, and that a witness was called, who proved

that there were six churchwardens and overseers for the appellant parish. The notice and grounds of appeal commenced, "We, the undersigned, being a majority of the churchwardens and overseers of the poor of the parish of St. Pancras," &c., and was in fact signed by five out of the six. The respondents then called upon the appellants to shew when, where, or under what circumstances the notice was signed; and no evidence on this point having been given, it was objected by the respondents that the notice was invalid, as it purported to be the act only of a majority and not of the whole body of the parish officers, and that it ought to have been shewn that the signature by the majority was made at a meeting of the whole body, properly convened.—Two questions arise here: first, has a party a right to ask this Court for a mandamus on an affidavit stating one point alone on which the Sessions proceeded, without disclosing the other circumstances which took place at the hearing? If such a course is permitted, a mandamus may be granted on one point, when the others which are not noticed may be amply sufficient to warrant the Sessions in deciding as they did. This Court ought to be enabled to see, from the whole of what occurred, whether the Sessions have acted rightly or not. If the judgment of the Quarter Sessions ought to have been what it was, this Court will support their decision—*The Queen v. the Justices of the West Riding of Yorkshire* (1), *The King v. Skeffington* (2); on the ground, therefore, that this was an attempt to obtain a rule by imposing upon the Court an imperfect statement of what occurred, this rule should be discharged, with costs. But, secondly, if it is necessary to rely on any other than the first point, it is contended, that the decision of the Sessions was correct as to the sufficiency of the signature to the notice and grounds of appeal. It is admitted that the document need not be signed by all the parish officers, a signature by a majority on behalf of all will do, but then it ought to be clearly shewn that it was on behalf of, and the act of all. By the 9 Geo. 1. c. 7. s. 8. and the 4 & 5 Will. 4. c. 76. the whole

(1) 2 Q.B. Rep. 705; s. c. 11 Law J. Rep. (N.S.) M.C. 57.

(2) 3 B. & Ald. 382.



body are to send notice of appeal; it is not the majority—*The King v. the Justices of Warwickshire* (3), *The King v. the Justices of Derbyshire* (4). This general principle was laid down in *Grindley v. Barker* (5) and acted on in *Cortis v. the Kent Waterworks Company* (6), and *The King v. Whitaker* (7). The act of the majority must be pleaded as the act of the whole—*Robinson v. James* (8), *The King v. Kynaston* (9), *The King v. Theodorick* (10). This is a quasi corporation, acting by their wrong name, and *The Queen v. the Justices of the West Riding of Yorkshire* (11) and *Ward v. Clarke* (12) are in point. In the former case Patteson, J. refused a rule under precisely similar circumstances. At all events, as the Court of Quarter Sessions has already given its judgment on a point of evidence, this Court will not send the case back to be reheard.

*Pickering*, contra, was not called upon.

WILLIAMS, J.—I think this rule must be made absolute. I quite agree with the statement which has been made, that if the Court is applied to for a mandamus on an affidavit which omits to state all the points upon which the Quarter Sessions proceeded, and if the facts which are not disclosed are material to the case, that is imposing upon the Court, and the rule ought to be discharged with costs. But in order that such should be the case, the points which are omitted ought to be real, substantial, and not such as this, merely imaginary points. The points which are urged here are, in my mind, purely ideal, and there is no weight in either of them. The first, as to the notice not having been given within the twenty-one days, was indeed given up by the counsel in argument, as being untenable, and there is just as little in the other point, for it is admitted

that a signature by the majority of the parish officers is sufficient, unless you assume that the rest did not concur. Then it is said that it ought to appear that this, which purported to be the act only of the majority, was in fact the act of all, and that in the absence of any such evidence, it is to be presumed that such was not the case. But, I think, in cases of this kind the presumption is just the other way, and that it lies on the party who impeaches the notice to shew that it was improperly given. It seems to me, therefore, that this notice was perfectly good, and that if anything more were added, it would only be adding another irrelevant and impalpable fact to that which was already sufficiently clear to ordinary apprehensions.

*Rule absolute, without costs.*

BAIL COURT.

1845.

June 3.

THE QUEEN v. WALKER AND  
OTHERS, JUSTICES, &c.

*Poor Law—Bastardy*—2 & 3 Vict. c. 85.  
—7 & 8 Vict. c. 101.—*Effect of prior Application—Guardians of the Poor.*

*Where the mother of a bastard child made an application within twelve months after the birth of the child to petty sessions, under 7 & 8 Vict. c. 101, for an order on the putative father, and the Justices refused to hear the application, on the ground that proceedings having been taken by the guardians of the poor against the putative father, under 2 & 3 Vict. c. 85, which were pending when 7 & 8 Vict. c. 101. passed, the Quarter Sessions, to which the inquiry had been removed by the putative father, had refused to make an order: a mandamus was granted to compel the Justices to hear the application.*

*Archbold* had obtained a rule, calling upon Richard Walker, John Grundy and James Openshaw, Esquires, three of the keepers of the peace, and Justices in and for the county of Lancaster, and usually attending at, and acting for the petty sessional division of Bury in the said county, to shew cause why a writ of mandamus should not issue directed to them, commanding them to proceed upon an application made to them, at a petty sessions held

(3) 6 Ad. & El. 873; s.c. 6 Law J. Rep. (n.s.) M.C. 113.

(4) 6 Ibid. 612; s.c. 6 Law J. Rep. (n.s.) M.C. 140.

(5) 1 Bos. & Pul. 229.

(6) 7 B. & C. 316; s.c. 5 Law J. Rep. M.C. 106.

(7) 9 Ibid. 648; s.c. 7 Law J. Rep. K.B. 332.

(8) 1 Dowl. n.s. 760; s.c. 11 Law J. Rep. (n.s.) Q.B. 237.

(9) 2 Selw. N.P. 1160, 10th edit.

(10) 8 East, 543.

(11) 13 Law J. Rep. (n.s.) M.C. 39.

(12) 12 Mee. & Wels. 747; s.c. 13 Law J. Rep. (n.s.) Exch. 229.

on the 31st of January 1845, by Anne Openshaw, single woman, for an order upon William Porter Holt, as the putative father of a male bastard child, born of the body of the said Anne Openshaw, and to hear and determine such application at a petty sessions to be held for the said division, as by adjournment from the said petty sessions held on the 31st of January.

It appeared that the bastard was born on the 26th of March 1844; and that on the 24th of July 1844, the guardians of the poor for the Bury Union (the child being then chargeable to the parish of Elton, within the said union) gave notice to W. P. Holt of an intended application under 2 & 3 Vict. c. 85, for an order to reimburse the Union, for the maintenance and support of the child. The notice was to appear on the 9th of August 1844 (the day upon which the statute 7 & 8 Vict. c. 101. received the royal assent), on which day W. P. Holt appeared at the petty sessions, and under the 2 & 3 Vict. c. 85. s. 3. declared his desire that the inquiry should be removed to the Quarter Sessions for the county of Lancaster, and entered into the recognizances required by that statute. At the next Quarter Sessions, the hearing was postponed, by consent, to the following sessions, when the Court heard the application, and refused to make any order.

On the 18th of January 1845, an application under 7 & 8 Vict. c. 101. s. 2. was made by the mother of the child, and a summons obtained by her, and served upon W. P. Holt, requiring him to appear at a petty sessions, to be held at Bury, on the 31st of the same month, on which day he attended by his counsel, and contended that the refusal of the Quarter Sessions to make the order on the application of the guardians was final and conclusive; and that the Justices in petty sessions had no power to hear an application by the woman; and the Justices, being of that opinion, refused to hear the application.

*Martin and Gray* now shewed cause against the rule.—The question is, whether a second application was allowable in this case. Although an application to and refusal by Magistrates, in petty sessions, may not be conclusive, a decision of the Court of Quarter Sessions is conclusive against

the mother—*The King v. Tenant* (1), *The King v. Jenkin* (2). Under the 2 & 3 Vict. c. 85. the application must have been by the guardians nominally; but they were, practically, agents of the mother, and the power given to the mother individually, by the new act, 7 & 8 Vict. c. 101, is a mere substitution for the former power of the guardians. Therefore the mother was substantially a party to the former application, and is estopped by it.

[WIGHTMAN, J.—How a party? She could not help being a witness. Under the new act the money is to be paid to her; but she was not to receive anything personally under the old law, and that makes a great difference in the two cases.]

She was interested practically in the former case. By sect. 9. it is enacted that nothing in the act shall affect the validity of any orders for the maintenance of a bastard child, made by Justices in Quarter or petty sessions, before the passing of the act, and “that all proceedings actually pending before Justices in Quarter or petty sessions, at the time of the passing of this act, may be continued, and orders made therein, in the same manner as if this act had not been passed.” Here the proceedings were actually pending, when the act passed. Suppose the Quarter Sessions had granted this order as applied for, could it be said that the mother then would have had a right to make a second application herself?

[WIGHTMAN, J.—That is not the case here: this act gives a new right to a person who had no right before.]

The same facts are required to substantiate both applications; and the same purpose is answered in both cases. The intention of the new act was not to give a double remedy, which will be the result if this rule be granted.

[WIGHTMAN, J.—Supposing an order had been made in favour of the guardians, that would have been in force so long only as the child was chargeable: the condition of the order in favour of the mother is by sect. 5. that the child is not chargeable. A case may arise where the mother undertakes to keep the child, and relieve the guardians, and then finds herself unable to

(1) 2 Str. 716; s.c. 2 Lord Raym. 1423.

(2) Cas. Temp. Hardw. 301.

do so, may she not then apply under this act?]

The old order would not cease to have effect; it would revive on the child becoming chargeable again. The very hardship alluded to does arise in case of children born more than six months before the passing of the act.

*Archbold.*—There is no adjudication of the Quarter Sessions which can be set up against this application. The mother was a total stranger to the former proceedings by the guardians.

*WIGHTMAN, J.*—It seems to me that, under the words of the 7 & 8 Vict. c. 101, I am bound to make the rule absolute in this case. By the 2nd section, on the application of the mother of a bastard child, which has been born, as in this case, within twelve months before the application, it is compulsory on the Justice to issue a summons to the putative father to appear at a petty sessions, and the Justices at such petty sessions are obliged to hear the evidence in support of her case, and to come to some decision upon the facts. This they have refused to do in the present case, because a former unsuccessful application had been made by the guardians, under the power which they formerly had to reimburse themselves for the expense incurred by the parish. It is argued that some inconvenience may possibly arise under the provisions of sect. 9. which gives validity to former orders of bastardy; as if an order is made in favour of the guardians, and also one in favour of the woman, there may be two existing orders at the same time. But, in the present instance, no prior order has in fact been made, so that it is not necessary for me to decide that question. The rule, therefore, must be absolute for a mandamus.

*Rule absolute accordingly.*

1845. }  
April 30; } THE QUEEN v. THE INHABIT-  
May 15. } ANTS OF GREAT BOLTON.

*Settlement—Examinations—Statement of Chargeability—Former Order, Conclusiveness of.*

"I am now residing in and receiving relief from, and am actually chargeable to, the

township of B."—*Held, a sufficient statement of chargeability.*

*The signatures of the Justices were omitted in the copy of an order of removal, sent pursuant to 4 & 5 Will. 4. c. 76. s. 79. The Sessions, upon appeal, quashed the order upon this objection, subject to a case for the opinion of the Court. The respondents took no steps to bring up the case, but within six months, the pauper having become again chargeable, obtained a second order of removal to the appellant parish, upon the same settlement.*

*Held, first, that the quashing of the first order was not conclusive between the parties; and, secondly, that the respondents were not precluded from obtaining such fresh order by the fact that they had applied for and obtained liberty to state a case for the opinion of the Court, upon the decision of the Sessions as to the first order.*

On appeal against an order of two Justices, for the removal of Ann Higginson from the township of Great Bolton to the township of Bradshaw, the Sessions for the borough of Great Bolton quashed the order, subject to the opinion of the Court on a case, the material parts of which were as follows:—

By an order of two Justices, dated the 17th of August 1843, it was ordered that the pauper, Ann Higginson, be removed from the township of Great Bolton to the township of Bradshaw. At the October Sessions 1843, the overseers of Bradshaw entered and respited an appeal against that order. At the trial of that appeal, in January 1844, the appellants relied upon an objection stated in their grounds of appeal, "that no copy or counterpart of the said order of removal had been sent to them by post or otherwise." It appeared that with the other documents required by the stat. 4 & 5 Will. 4. c. 76. s. 79, a paper purporting to be a copy of the said order had been sent to the appellants, but that in transcribing such copy the signatures of the two Justices making the order had been omitted; in all other respects the documents sent were complete copies. The Sessions held the objection valid, and quashed the order; but, on the application of the respondents; granted a case for the opinion of this Court. The respondents, however, took no steps towards stating such

case, nor ever communicated with the appellants as to proceeding with or abandoning it, nor did they make any motion at the sessions relative thereto; but the pauper having since the quashing of that order become again chargeable to and relieved by Great Bolton, the respondents obtained another order of Justices, dated the 17th of February 1844, for her removal from Great Bolton to Bradshaw, which order was made upon fresh examinations, wherein the pauper stated—"I am unable to maintain myself, and am now residing in and receiving relief from, and am actually chargeable to, the said township of Great Bolton." The settlement stated therein was the same as that upon which the former order had been founded.

At the Bolton Quarter Sessions, April 1844, the appellants entered and respited an appeal against the last order, which appeal was tried at the following sessions, July 1844. The appellants relied upon various grounds of appeal, which stated in substance, first, that the quashing of the first order of removal was conclusive between the parties, no fresh act having been since that time done by the pauper to gain a settlement; secondly, that the order of the 17th of February 1844 was improperly obtained, inasmuch as the case which had been granted by the Sessions for the opinion of this Court, might before or after the 17th of February have been taken up by the respondents; and if the decision of the Sessions thereon should have been reversed, the original order of removal of the 17th of August 1843 would have been confirmed; thirdly, that the examination contained no sufficient evidence of chargeability. The Sessions decided in favour of the respondents on the last point, holding that the examination contained sufficient evidence of chargeability; but they were of opinion that the decision on the former order of removal was conclusive between the townships, and, upon that ground, as well as because the second order of removal was obtained before the period had elapsed when a writ of *certiorari* might have been obtained by the respondents, they thought the order of the 17th of February 1844 was invalid and improperly obtained. On these grounds the order of removal was quashed.

If this Court should be of opinion that

the judgment of the Sessions, on the hearing of the appeal against the order of removal of the 17th of August 1843, was not conclusive between the townships, and that the order of removal of the 17th of February 1844 was also rightly obtained by the respondents, before the expiration of the time limited for the issuing of the *certiorari* to remove the former order of Sessions; and that the statement of the evidence of chargeability, contained in the examinations whereon such last order of removal was made, was sufficient to support such order, then the order of Sessions was to be quashed, and the order of removal of the 17th of February confirmed. If the Court should be of a contrary opinion on all or any of these points, the order of Sessions, quashing the order of removal, was to be confirmed.

The case was argued (April the 30th) by—

*Pashley*, in support of the order of Sessions.

The Court first called on—

*Wortley*, contra.—The objection on which the first order was quashed, was, that in the copy of the order of removal first sent to the appellants, the names of the Justices were omitted. The pauper, therefore, was not removable, the provisions of the 4 & 5 Will. 4. c. 76. s. 79. not having been complied with. The decision of the Sessions upon that point was not a decision upon the settlement of the pauper, but merely that the appellants were not bound to receive the pauper. When the respondents subsequently obtained a fresh order, and served a proper copy of it, the pauper became removable. *The King v. the Inhabitants of Osgathorpe* (1), *The King v. the Inhabitants of Wheelock* (2), *The King v. the Inhabitants of Wick St. Lawrence* (3), shew that the first order was not conclusive. In *The Queen v. the Inhabitants of Charlbury and Walcott* (4), the Court refused to sanction a second order of removal, because the decision of the Sessions on the first order had been a decision

(1) Burr. S.C. 261.

(2) 5 B. & C. 511.

(3) 5 B. & Ad. 526; a.c. 3 Law J. Rep. (N.S.) M.C. 12.

(4) 3 Q.B. Rep. 378; a.c. 13 Law J. Rep. (N.S.) M.C. 19.

on the merits. But *The Queen v. the Inhabitants of Perranzabuloe* (5) is exactly like the present. There the first order was quashed, because the examinations did not shew chargeability; and it was held that the respondents might remove again on new examinations shewing chargeability, and that the quashing of the first order was not conclusive. It is like the case of an action of which notice is required, and which has been commenced without giving notice. The action may be abandoned, fresh notice given, and a fresh action commenced. Secondly, the respondents might obtain a second order of removal, although the time for taking up the case granted by the Sessions upon the decision on the first order had not elapsed—*The Queen v. the Inhabitants of St. Pancras* (6).

The Court then called on—

*Pashley*.—Every order of removal must adjudicate the chargeability of the pauper to the removing parish, his inhabiting in the same parish, and his settlement in the appellant parish. The cases cited shew that when an order is quashed on appeal, such a decision is not necessarily conclusive upon the three points as to which the order adjudicates, but that it is open to the removing parish to shew hereafter that the decision did not touch the question of settlement. But here, though the first order was good in other respects, the removing parish had disqualified themselves from supporting it, because they had omitted to send a copy of it; and therefore the decision on appeal against the order was final—*The Queen v. the Inhabitants of Outwell* (7), *Ex parte the Overseers of Ackworth* (8), *The Queen v. the Inhabitants of Brixham* (9). It is like the case of a bad notice of appeal, on which the party had gone to trial; the judgment is conclusive, and he cannot lodge a second appeal—*The King v. the Justices of the West Riding* (10), *The King v. the Justices*

*of Middlesex* (11). Secondly, pending the case granted on the decision of Sessions quashing the first order, no fresh order of removal could be properly obtained. *The Queen v. the Inhabitants of St. Pancras* is distinguishable. There the removing pariah abandoned their first order, before any appeal had been entered against it. Here there has been a hearing on the appeal, and if the case had been brought up, this Court might have sustained the decision of the Sessions, upon other and more substantial grounds than that upon which the Sessions decided—*The King v. the Inhabitants of Skeffington* (12), *The Queen v. the Justices of the West Riding (Longwood v. Halifax)* (13). The appellants ought not to be subject to two processes against them at the same time, relating to the same matter—*Knight's case* (14). Therefore, no *certiorari* will issue while an appeal is pending—*Case of the Borough of Warwick* (15), *The King v. Sparrow* (16); nor will a mandamus lie to enter continuances and hear an appeal, when a case has been granted—*The King v. the Justices of the West Riding (Warmworth v. Doncaster)* (17), *The King v. the Justices of Suffolk* (18). The judgment of the Sessions, being a judgment of record, cannot, though conditional only, be avoided except by record of the same nature—*Co. Litt.* 131, a. Lastly, the statement of chargeability is insufficient. It should be stated who gave the relief and where—*The Queen v. the Inhabitants of High Bickington* (19).

*Wortley and Pickering*, contra.

[*Per Curiam*.—You need not trouble yourselves on the last point. The statement goes much farther than it did in *High Bickington*.]

It is no objection to an order of removal that a previous order is still pending, if new circumstances have in the interim arisen. In *The King v. the Justices of the West*

(11) 9 Dowl. P.C. 163.

(12) 3 B. & Ald. 382.

(13) 2 Q.B. Rep. 713; a.c. 11 Law J. Rep. (n.s.) M.C. 57.

(14) 2 Ld. Raym. 1014.

(15) 2 Strange, 991.

(16) 2 Term Rep. 196, n.

(17) 1 Ad. & El. 606.

(18) 6 Ibid. 109; a.c. 6 Law J. Rep. (n.s.) M.C. 37.

(19) 3 Q.B. Rep. 790; a.c. 13 Law J. Rep. (n.s.) M.C. 74.

(5) 3 Q.B. Rep. 400; a.c. 13 Law J. Rep. (n.s.) M.C. 47.

(6) Ibid. 347; s.c. 12 Law J. Rep. (n.s.) M.C. 42.

(7) 9 Ad. & El. 836; s.c. 8 Law J. Rep. (n.s.) M.C. 27.

(8) 3 Q.B. Rep. 397; s.c. 13 Law J. Rep. (n.s.) M.C. 38.

(9) 8 Ad. & El. 375; s.c. 7 Law J. Rep. (n.s.) M.C. 78.

(10) 3 Term Rep. 776.

*Riding*, the second appeal was against the same conviction; one judgment having been given on the record, the Sessions were *functi officio*, and could not entertain a second appeal. The cases cited only shew that there cannot be two remedies in respect of one and the same order; but here there has been a fresh order altogether. *The King v. the Inhabitants of Barham* (20), and *The King v. the Inhabitants of Willoughby* (21), are additional authorities to shew that the decision on the first order is not conclusive. How can the appellants be damnified by the respondents waiving the privilege of the case granted them? Even if the case had been brought up, and the first decision of the Sessions had been confirmed by this Court, the respondents would have been at liberty to obtain another order, as they have done: *a fortiori* may they do so now. *The Queen v. the Inhabitants of St. Pancras* is even a stronger case than the present; for there the first order was in force at the time the second order was obtained, whereas here the first order was at an end, having been quashed on appeal.

*Cur. adv. vult.*

The judgment of the Court was delivered (May the 15th) by—

LORD DENMAN, C.J.—In this case it appeared that a pauper was duly removed by an order of two Justices, on the 17th of August 1843, from Great Bolton to Bradshaw. On appeal to the following Sessions the said order of removal was quashed, on the ground that the removing township had sent to Bradshaw with a notice of chargeability a copy of the order of removal, omitting the signatures of the two Justices. The Court of Quarter Sessions, however, granted a case for the opinion of this Court upon the validity of this objection. No steps were taken in consequence by the respondents, but on the 17th of February 1844, the pauper continuing to be chargeable, they procured a fresh order, upon fresh examinations, which stated the same settlement as that upon which the former order of August 1843 had been founded. At the Quarter Sessions for the borough of Bolton,

on the 4th of July last, the last-mentioned order was quashed, subject to a case which raises three questions for our opinion:—First, whether the statement of the pauper being chargeable is sufficient; secondly, whether it was competent for the respondents to obtain a fresh order of removal, after having obtained the case from the Sessions, as above stated; and, thirdly, whether the order of removal quashed was conclusive, under the circumstances, against the respondent township, so as to prevent a fresh order being obtained. The last and most material question we shall consider first. The rule that an order of removal quashed is conclusive between the same parties, is always open to the exception of a fresh settlement having been gained. This exception is founded upon a very clear and intelligible principle. The doctrine, however, in many cases, has been carried farther. At the head of these cases stands *The King v. Wick St. Lawrence*, in which the second point decided was, that if the settlement be not in question and adjudicated upon, the first order is not conclusive, or, in other words, the second order may be made, though no subsequent settlement has intervened. The case of *The King v. Wheelock*, without mentioning any more, is a strong authority on the same point. In the present case, our opinion is formed on the particular facts of it. The first order was quashed on a matter as clearly a matter of form as can well be imagined. The omission (in the copy of the order) of the signatures of the two Justices was not calculated, by any possibility, to mislead or create the slightest doubt or uncertainty as to the case intended to be set up by the respondents. Whether the objection so taken ought or ought not to have prevailed, it is unnecessary to offer any opinion; but it is obvious, if the appellants had any merits, and were disposed to try them, it would not have been taken. We think, therefore, as other grounds have been deemed sufficient to justify a second order of removal after a former one has been quashed, without any new settlement accruing, it is hardly possible to conceive a stronger case than the present to warrant such a proceeding; and, resting on that ground, we are of opinion in this case the objection ought not to prevail.

On the second point, we think there was

(20) 8 B. & C. 99; a.c. 6 Law J. Rep. M.C. 78.

(21) 4 Ad. & El. 143; a.c. 5 Law J. Rep. (N.S.) M.C. 35.

nothing final and conclusive in the respondents having applied for and obtained from the Court of Quarter Sessions liberty to state a case, so as to preclude them from having recourse to any other form of proceeding which might be open to them. It was a benefit which they might forego. No attempt has been made to pursue both remedies at once; on the contrary, it is stated that no steps had been taken to bring up the case to this Court; and the respondents must have been considered as having abandoned it altogether. The appellants, it must be observed, have been in no degree affected by the application to the Sessions, and their having granted a case.

Upon the last point, that of chargeability, the examination of the pauper is as follows:—"I am unable to maintain myself. I am now residing in and receiving relief from, and am actually chargeable to, the said township of Great Bolton." We think this statement goes further than a mere allegation that the pauper was actually chargeable to the parish, which has been held insufficient; but the fact of receiving relief, in whatever shape, would make the pauper so receiving it actually chargeable. The statement of chargeability is therefore sufficient (22), and we think that the order of Sessions must be quashed.

*Order of Sessions quashed.*

1845. } THE QUEEN v. THE INHABITANTS  
May 28. } OF MANCHESTER.

*Examination—Evidence of Chargeability.*

*A statement that the pauper is residing in the workhouse in P, and is chargeable to the township of P, is sufficient evidence of chargeability.*

On appeal against an order of Justices, for the removal of Anne Mollineux, from the township of Preston, in the borough of Preston, to the township of Manchester, the Sessions confirmed the order, subject to a case.

The only question raised was, as to the sufficiency of the statement of the charge-

ability of the pauper, who, in her examination stated, "I have lived in the township of Preston for some time past, and am now residing in the workhouse in that town. I have been and am now chargeable to the said township of Preston." If the Court should be of opinion that the examination contained no legal evidence that the pauper was actually chargeable to the respondent township, the order of Sessions to be quashed, otherwise to be confirmed.

*Cowling*, in support of the order of Sessions.—Chargeability is sufficiently stated. *The Queen v. the Inhabitants of High Bickington* (1) may be cited, but there it was merely said, that the pauper was chargeable.

[WILLIAMS, J.—That was a conclusion, not a fact. Here the fact also is stated.]

*Crompton*, contra.—The statement of chargeability is insufficient.

[WILLIAMS, J.—How could she be in the workhouse without being chargeable? Here you have both a general and a particular statement of chargeability.]

It does not appear to be the workhouse of the township—she might be there as the matron or servant. The evidence of chargeability ought to appear on the face of the examination.

LORD DENMAN, C.J.—So it does.

PATTERSON, J. and WILLIAMS, J. concurred.

COLERIDGE, J.—You are contending that there must be conclusive evidence of chargeability in the examination. That is not so. Here there is some evidence of it, which is sufficient.

*Order of Sessions confirmed (2).*

1845. } THE QUEEN v. THE GUARDIANS  
June 4, 7. } OF ST. MARY, LAMBETH.  
THE QUEEN v. THE INHABITANTS OF ELLAL.

*Settlement—Former Order of Removal, Conclusiveness of.*

*Where an order of removal has been quashed on appeal, "for the insufficiency of the examination, as disclosing no settlement on the face thereof," such a decision (though*

(1) 3 Q.B. Rep. 790; s. c. 13 Law J. Rep. (n.s.) M.C. 74.

(2) See *The Queen v. the Inhabitants of Great Bolton*, ante, p. 122.

(22) See *The Queen v. the Inhabitants of Manchester*, next case.

*not upon the merits) is conclusive between the parties, upon the point of settlement.*

On appeal against an order of two Justices, (dated the 28th of December 1840,) for the removal of Elizabeth Lague, widow, and her four children from the parish of St. Pancras, Middlesex, to the parish of St. Mary, Lambeth, Surrey, the Sessions confirmed the order, subject to the opinion of this Court on a case, of which the material facts were these:—

By an order of removal, dated the 5th of August 1840, the same paupers were ordered to be removed from St. Pancras to St. Mary's, Lambeth. A copy of the examination on which this order was made was duly sent to the parish officers of Lambeth, who appealed against it. On the 7th of September 1840, the order of removal of the 5th of August 1840 being then subsisting, another order of two Justices was made for the removal of the same paupers from St. Pancras to Lambeth. Against this order, also, an appeal was entered. The two last-mentioned appeals against the order of the 5th of August and 7th of September 1840, came on to be heard on the 16th of December 1840, when the appellants contended in both cases, that the examinations on which the orders are founded were insufficient, and the Sessions being of that opinion, ordered them severally to be quashed, "on the ground of the examination of the pauper Elizabeth Lague, disclosing no settlement on the face thereof." Both these orders, as well as that of the 28th of December 1840, relied on the same settlement of the paupers.

The appeal against the order of removal made the 28th of December 1840, came on the 21st of April 1841, when the appellants (relying on a ground of appeal which raised the objection,) contended that the respondents were precluded by the two former orders of Sessions, quashing the two former orders of removal, respectively from removing again to the appellant parish upon the same settlement. The Sessions disallowed the objection, and confirmed the order, subject to the opinion of this Court. If the Court should be of opinion, that the respondents were so precluded by the orders of Sessions, made the 16th of December 1840, or either of them, from again removing the pauper to the appellant parish, under the order

made the 28th of December 1840, then the order of Sessions made the 21st of April 1841, and the order of removal the 28th of December 1840, were to be respectively quashed, otherwise to stand confirmed.

*Godson, Prendergast, and Howarth*, in support of the order of Sessions.—The Sessions have, in effect, found that the two former orders were quashed not upon the merits; if they had been quashed upon the merits, no special entry of the grounds upon which they were quashed would have been made, nor would the Sessions have confirmed the 3rd order. This Court will not put a construction upon the orders of Sessions different from that which the Sessions have themselves put upon them—*The Queen v. the Justices of Lancashire* (1), *The Queen v. the Inhabitants of Kingsclere* (2). No abandonment of the first order was necessary before obtaining the second—*The Queen v. the Inhabitants of St. Pancras* (3).

*Pashley*, contra.—The former decisions were conclusive upon the point of settlement—*Ex parte the Overseers of Ackworth* (4). In *The Queen v. the Inhabitants of Kingsclere*, it did not appear upon what the decision of the Sessions upon the first order had turned. (He was then stopped.)

LORD DENMAN, C.J.—We agree with you. Upon the facts submitted to us, we think that the former decision of the Sessions is conclusive upon the point of settlement, not upon the merits, but as between these parties.

The rest of the Court concurred.

*Order of Sessions quashed* (5).

(1) 3 Q.B. Rep. 367; s. c. 12 Law J. Rep. (N.S.) M.C. 76.

(2) Ibid. 388; s. c. 13 Law J. Rep. (N.S.) M.C. 22.

(3) Ibid. 347; s. c. 12 Law J. Rep. (N.S.) M.C. 42.

(4) Ibid. 397; s. c. 13 Law J. Rep. (N.S.) M.C. 38.

(5) The following case was decided (June 7) upon the same point:

THE QUEEN V. THE INHABITANTS OF ELLAL.

On appeal against an order of removal of a pauper from Layton-cum-Warbrech to Ellal, the Sessions for the county of Lancaster confirmed the order, subject to a case, which stated, that at the trial of the appeal it was proved that a former order for the removal of the same pauper had been quashed at a previous sessions, on appeal between the same parties, for "insufficiency of examination;" that the first order had been obtained upon



1845. } THE QUEEN v. THE INHABITANTS  
May 28. } OF STOCKTON-UPON-TEES.

*Order of Removal—Settlement—Parent and Child—Jurisdiction of Justices.*

*An order for the removal of a woman and her illegitimate child under seven years old, was grounded on a notice of the chargeability of the mother only:—Held, that as the child could not be separated from the mother, it was immaterial whether the child was mentioned in the order or not.*

*It must appear on the face of an order of removal that the complaint was made to the removing Justices within their jurisdiction, and this sufficiently appears if the order recite the complaint to have been made to "A. B. and C. D. Justices of the Peace in and for the county of —."*

On appeal against an order of two Justices for the removal of Elizabeth Goldie and her illegitimate daughter Mary Ann, aged five months, from the parish of Sutton to the township of Stockton-upon-Tees, the Sessions for the borough of Kingston-upon-Hull confirmed the order so far as respected the mother, and quashed the same so far as respected the daughter, subject to the opinion of this Court upon the following

#### CASE.

At the time of making the order of removal appealed against, the daughter was of the age of five months, and was residing with her mother in the parish of Sutton. The notice of chargeability sent by the respondents to

examinations disclosing substantially the same ground of settlement as in the present case, but stating the facts, and particularly the residence in Ellal, so imperfectly, that the order could not be supported; and that the order of Sessions setting aside the first order of removal had been obtained upon the motion of the respondents. The Sessions thought the former order was not conclusive, and confirmed the present order, subject to the opinion of the Court. If the former order was conclusive, the order of Sessions was to be quashed, otherwise confirmed.

*Cowling*, in support of the order of Sessions, contended, that as the former order had been quashed on a preliminary objection, and on the motion of the respondents, such quashing was not conclusive. But the COURT (without hearing the other side) intimated that the point must be considered as settled, by the decision in *The Queen v. the Guardians of St. Mary, Lambeth*. And, accordingly,  
*Order of Sessions quashed.*

the appellants, with a copy of the order of removal, was as follows:—

"In the matter of Elizabeth Goldie, a pauper.—To the overseers of the poor of the township of Stockton-upon-Tees, in the county of Durham. We, the churchwardens and overseers of the poor of the parish of Sutton, in the borough of Kingston-upon-Hull, do hereby give you notice that the above-named pauper Elizabeth Goldie, together with —, now residing in the workhouse in the parish of Sutton, has become chargeable to our said parish of Sutton, and that an order of Justices has been duly obtained for her removal to your said township of Stockton-upon-Tees as —'s last place of legal settlement, a copy of which order, as also a copy of the examination on which the same was made, are herewith sent. And take notice, that unless you appeal against the said order, and within twenty-one days from the service hereof duly serve notice of such appeal, the said paupers will be removed to your township of Stockton-upon-Tees in pursuance of the said order."

Two objections were made by the appellants to this notice of chargeability at the trial of the appeal; first, that it made no mention of the daughter, and that, therefore, by virtue of the 4 & 5 Will. 4. c. 76. s. 70. the order of removal as to the daughter must be quashed, and that an order of Sessions confirming the order of removal as to the mother, and quashing it as to the daughter, would be illegal, on the ground that its necessary effect would be to separate the mother and the child, and that therefore the order of removal ought to be quashed altogether. Secondly, that the said notice was bad in stating that the pauper Elizabeth Goldie "has become chargeable" to the parish of Sutton, without stating that the said Elizabeth Goldie was then chargeable.

The order of removal was in the following form:—"Upon the complaint of the churchwardens and overseers of the poor of the parish of Sutton, in the borough of Kingston-upon-Hull aforesaid, unto us George Cookman, Esq. and Thomas Firbank, Esq. whose names are hereunto set and seals affixed, being two of Her Majesty's Justices of the Peace for the said borough of Kingston-upon-Hull and county of the same town," &c. The rest of the order was in the usual form, ordering the removal of both mother and

daughter from the parish of Sutton to the township of Stockton.

At the trial of the appeal it was objected, thirdly, to this order, that it did not appear upon the face of it, that the complaint of the churchwardens and overseers of Sutton was made to the Justices within their jurisdiction, but merely that it was to two Justices of the borough of Kingston-upon-Hull. The Sessions confirmed the order of removal as to the mother, and quashed it as to the child, subject to the above case.

If the Court should be of opinion that upon the preceding state of facts, the Sessions could not confirm the order of removal as to the mother, and quash it as to the child; or, if the Court should be of opinion that upon any of the before-mentioned objections to the order of removal and the notice of chargeability, the Sessions ought to have quashed the order of removal altogether, then the said order of Sessions and order of removal were to be quashed, otherwise the order of Sessions was to be confirmed.

*Pashley*, in support of the order of Sessions.—As to the first objection; if the effect of the order would be to separate the mother and child, no doubt the order would be bad. But the order has no such effect, for the child, being under seven years old, will follow its mother's settlement, though not named in the order.

[*PATTESON*, J.—The proper way is to adjudicate as to the mother's settlement only, and then order the removal of the mother and the infant child. Why did the Sessions quash the order as to the child?]

Because the notice of chargeability did not mention the child as it ought to have done; and notice of chargeability is a condition precedent to its removal. All parties removable under an order should be named in it: the child was not removable for the reason given, and therefore its name was properly omitted. He referred to *The Queen v. the Inhabitants of Stogumber* (1), *The Queen v. the Inhabitants of Birmingham* (2), *Skeffreth v. Walford* (3). Secondly, there is a sufficient averment of the chargeability of the mother at the time the order was made. Thirdly, admitting that it must ap-

pear that the complaint was made, and the evidence taken within the jurisdiction of the Justices, this is sufficiently shewn. The order is made "upon the complaint." The word "upon," as a word of time, is never applied to a longer period than a day.

[*PATTESON*, J.—It must be a very easy thing to get out of the borough of Kingston-upon-Hull in less than a day.]

It is not disputed that the order was properly made by the Justices within their jurisdiction, and it must be taken that the complaint upon which that order was made, was made at the same place.

*Archbold*, contrà.—By the statute 4 & 5 Will. 4. c. 76. s. 79, the removal of the child under the order would be illegal, there having been no notice of chargeability given. The Sessions therefore were bound to quash the order as regards the child. But if confirmed as to the mother, and quashed as to the child, the overseers would have authority to separate the mother from the child, which would be clearly illegal.—*The King v. Cuckfield* (4).

[*COLERIDGE*, J.—Why may not the child be removed, though not removed under the order? If the child's name is not in the order, they are still bound to remove it with the mother. Can the fact that the name is not in the order make any difference?]

[*LORD DENMAN*, C.J.—The law attaches to the removal of the mother the necessity of the removal of the child also; and whether named in an order or not, parties would subject themselves to very serious consequences who removed the one without the other.]

Secondly, the statement that the pauper has become chargeable, does not imply that she was so at the time the order was made. Lastly, "the Court must see beyond dispute that the Magistrates have jurisdiction: they must not give it to themselves by doubtful words;" per Coleridge, J. in *The Queen v. Toke* (5), *The Queen v. Spackman* (6). Here the Justices are not stated to be Justices in and for the borough. There is no statement when and where the complaint was made. The word "upon" has no such

(4) Burr. S.C. 290.

(1) 9 Ad. & EL 622; s. c. 8 Law J. Rep. (N.S.) M.C. 20.

(5) 8 Ad. & EL 233; s. c. 7 Law J. Rep. (N.S.) M.C. 74.

(2) 18 Law J. Rep. (N.S.) M.C. 1.

(6) 2 Q.B. Rep. 301; s. c. 11 Law J. Rep. (N.S.) M.C. 15.

(3) 2 Sess. Cas. 89.

signification as contended for. It means only "after."

[LORD DENMAN, C.J. referred to *The King v. the Inhabitants of St. Mary, Leicester* (7).]

As there is generally no date of place given in these orders, unless the word "in" imports that the Justices are acting in their jurisdiction, there would be nothing to shew it.

LORD DENMAN, C.J.—I think it is only reasonable to require that it should appear on the face of the order that the complaint was made to the Justices within their jurisdiction; and as these orders are not generally dated, the place where the complaint is made does not appear, unless it can be imported from the use of the word "in." In all the precedents the words "in the county" are used; otherwise no jurisdiction of the Justices is apparent. In the present complaint the word "in" is omitted. I cannot see why we should encourage parties to depart from the ordinary forms which we find in all the precedents, and introduce novelties which are uncalled for. It is but reasonable to suppose that the practice of using the words in question has been introduced into the forms for the purpose of shewing that the Justices are acting within their jurisdiction.

PATTESON, J.—The objection is, that it does not appear that the complaint was made to the Justices within their jurisdiction, and that there are no words used from which we can infer the fact. If the word "in" had been used, the question would have been whether that would have been sufficient; and it seems to me that the word "in" *would* imply not only that the Justices had jurisdiction, but that they had also exercised it in the county. In the forms given in *Burn's Justice* the words "in and for the county" are invariably used, and there is nothing else to shew that the complaint is made within the jurisdiction. The word "in" then being omitted in the present case, the order is insufficient, unless there be something else on the face of it to supply the deficiency. I confess I can see nothing to raise the inference that this complaint was made within

the jurisdiction of the Justices. There is nothing inconsistent with the supposition that the complaint was made out of their jurisdiction, that all the evidence was heard by them out of their jurisdiction, and then they may have gone within their jurisdiction and made the order.

WILLIAMS, J.—I think the construction put by my Lord and my Brother Patteson upon the word "in" in these orders is the correct one, because the word "for," which is in connexion with it, is descriptive of the authority of the person. Thus "Justice of the Peace for Cumberland" would shew that he has authority to act as a Justice for that county. If that be so, then the word "in" must be read as mere surplusage, unless it be understood as descriptive of locality; that is, as implying that the Justice is in the district for which he has authority to act at the time the complaint is made to him. It is conceded, that in orders the jurisdiction of the parties to make them must appear on the face of them. This, then, being a material omission in the order, an omission of an allegation which it has been the constant practice to insert ever since Dr. Burn wrote his valuable work, it seems to me that the order of Sessions and the order of removal must be quashed.

COLERIDGE, J.—It is properly conceded by Mr. Pashley that the jurisdiction of the Justices must appear upon the order; and he has attempted to argue that this principle has been satisfied by the words "upon the complaint," which, he contends, shews that the complaint was made upon the same day and at the same place at which the order was made: but there is no foundation for this argument. The word "upon" does not necessarily refer to time at all; and when it does, it implies merely a sequence of events. But the meaning of these words, "upon the complaint," is shewn by referring to the stat. 13 & 14 Car. 2. c. 12, where they are used clearly without reference either to time or place, and simply as stating the foundation of the authority of Justices to make an order of removal.

*Order of Sessions quashed.*

1845. { THE QUEEN v. THE INHABITANTS OF ST. MARGARET'S,  
May 31. { WESTMINSTER.

*Examination—Settlement, Derivative—  
Ex parte Maternâ.*

*Examinations on which an order of removal was founded shewed the maiden settlement of the pauper's mother to be in the appellant parish. They also shewed that her husband (the pauper's father) had acquired a settlement by renting a tenement; but in what parish was not stated:—Held, that the examinations were insufficient, as they shewed that the derivative settlement ex parte maternâ was extinguished by the father's settlement, which did not appear to be in the appellant parish, and that the Sessions did right to quash the order of removal.*

On appeal against an order of two Justices, for the removal of Richard Mathews from the parish of St. Margaret, Westminster, to the parish of St. James, Bath, the Sessions for the city of Westminster quashed the order, subject to the opinion of this Court, upon a CASE, the material parts of which were as follows:—

The examinations shewed that the pauper had never gained a settlement in his own right, and that he was the lawful son of Joseph and Henrietta Matthews, who were married January 2, 1815, and were both dead at the date of the examinations. The examinations further stated that Henrietta Matthews was the lawful child of Peter Ferbrache and Martha his wife (both deceased), and that from about the year 1804 down to and including the year 1809, the said Peter Ferbrache was legally settled on, and rented, occupied and resided in a tenement and dwelling-house situate and being No. 3, Hot Bath-street, in the parish of St. James, in the said city of Bath, of the yearly value of 10*l.* and upwards; and that during the time the said Peter Ferbrache was so settled and resided in the said tenement and dwelling-house as aforesaid, his daughter, the said Henrietta Matthews, resided at home with him there, as part of his family, a single woman and unemancipated. The examinant then proceeded to state, that Joseph Matthews, the father of the pauper, in March 1819, "took a tene-

ment, being No. 8, Hot Bath-street aforesaid, and that he was legally settled upon, and occupied and resided in the said tenement, from the month of March 1819, for one year and a half; that the said tenement, No. 8, Hot Bath-street, was of the yearly value of 10*l.* and upwards, during the time Joseph Matthews was so settled upon, and resided in and occupied the same." Among other grounds of appeal were the following:—That it is not shewn by the examinations that Joseph Matthews ever gained a settlement in the appellant parish; and that the examinations are bad in resorting to the settlement of the pauper's mother in the appellant parish, a good settlement of the father being shewn elsewhere, although it is not stated in what parish he gained it. At the hearing of the appeal it was objected, that no sufficient evidence appeared in the examinations to shew, that at the time of making the order the pauper's father was settled in the appellant parish (although it distinctly appeared that he had gained a settlement in some parish), inasmuch as there was no averment that No. 8, Hot Bath-street was in the parish of St. James, and it did not follow that No. 8, Hot Bath-street was in the same parish as No. 3, Hot Bath-street; and further, that the respondents could not rely on the derivative settlement from the mother, when it was shewn upon the examinations that the father had gained a settlement in his own right. The Sessions quashed the order, subject to the opinion of this Court, whether they had come to a right conclusion with respect to the want of an averment in the examinations that No. 8, Hot Bath-street was in the same parish as No. 3, Hot Bath-street; and, if they had drawn the right conclusion in that respect, whether they were right in their judgment that the respondents could not rely upon the settlement of the pauper's mother, when a clear settlement of the father was shewn by the respondents in the examinations. If the Sessions were wrong on either of these points, the order of Sessions was to be quashed; if they were right on both, the order was to be confirmed.

*Phinn*, in support of the order of Sessions, relied on the argument as above stated, and cited *The King v. Harberton* (1),

(1) 13 East, 311.

*The King v. St. Mary Beverley* (2), *The Queen v. the Inhabitants of Yelvertoft* (3).

*Bodkin*, contrà.—The examinations either shew a settlement of the father in the appellant parish, or they do not. If they do, and the word "aforesaid" be taken to imply that No. 8, Hot Bath-street was in the parish of St. James, then the order of removal is good, as founded upon proof of settlement in the appellant parish *ex parte paternâ*. If, on the other hand, the word "aforesaid" do not imply "within the parish of St. James," then no settlement of the father appears. How can it be said that a settlement of the father is shewn unless it appears in what parish it was? No. 8, Hot Bath-street, may be extra-parochial. Then, if no settlement of the father appears, the settlement of the mother may be resorted to, and that was clearly within the appellant parish. This is an objection,—not to the evidence, as was the case in *The King v. St. Mary, Beverley*, but—to the examination. If the examinations shew two grounds of settlement, the respondents may rely on either—*The Queen v. the Inhabitants of Latchford* (4).

LORD DENMAN, C.J.—It appears to me that the Sessions were right in this case. If, on the trial of the appeal, the respondents had proved the settlement of the pauper's mother to be in the appellant parish, they might have rested there. If, however, they had gone on and proved a settlement of the father, but had not proved in what particular parish it was, the Sessions would have properly said, you have not proved where the last legal settlement of the pauper is, so as to give us jurisdiction to adjudicate upon it. And it is just the same thing when the objection is made, not to the evidence on the trial of the appeal, but to the sufficiency of the examination. The examination shews a settlement of the pauper derived from the mother, gained in the appellant parish. But the examination shews another settlement gained by the pauper's father, in the same street, but in what parish is not stated. I think the Sessions were quite right in presuming that No. 8, Hot Bath-street, was in some parish.

(2) 1 B. & Ad. 201; s.c. 9 Law J. Rep. M.C. 17.

(3) *Ante*, p. 78.

(4) *Ibid.* 20.

All England is divided into parishes, excepting some very small districts, and there is no reason for presuming that this place is extra-parochial.

PATTESON, J.—This order removes the pauper to St. James's, Bath, either upon his father's settlement or his mother's settlement. If on the father's, it cannot be supported, because it does not appear from the examination in what parish the father was settled: if on the mother's, it cannot be supported either, because it appears in the examination that the father had a settlement, though where is not shewn.

WILLIAMS, J. concurred.

COLERIDGE, J.—I entirely agree. The case of *The Queen v. Latchford* has nothing to do with the present. There the objection taken was as to the course of proceeding at the Sessions, where the order of removal was perfectly good on the face of it, the examinations shewing a birth settlement in the appellant parish, and also facts which might constitute a settlement by apprenticeship. The respondents there, at the trial of the appeal, rested on the birth-settlement in the appellant parish, and then it was objected that they were bound by the other facts set out in the examination. The Sessions there properly thought the respondents were not bound to prove anything more than the birth-settlement, and that if that birth-settlement had been extinguished or destroyed, the proof of it came properly from the other side. Now, here, the objection is to the order of removal, that it is founded on examinations which shew only a settlement in the appellant parish *ex parte maternâ*. A settlement *ex parte maternâ* has this vice, that it can only be resorted to where no paternal settlement appears. But here the examinations do shew a settlement *ex parte paternâ*, although the respondents have omitted to shew in what parish the father was settled,—a fact which, with the least possible investigation, might have been made clear. I agree that it must be presumed that the place was parochial, unless there be evidence that it was extra-parochial, and there was no such evidence here.

*Order of Sessions confirmed.*

1845. { THE QUEEN v. THE INHABITANTS  
June 7. { OF LAMBETH.  
          { THE QUEEN v. THE CHURCHWAR-  
          { DENS AND OVERSEERS OF SAINT  
          { MARY, SOUTHAMPTON.

*Notice of Chargeability—By whom signed  
—Guardians—Union of Parishes.*

*Where a board of guardians is elected for a single parish, under the statute 4 & 5 Will. 4. c. 76. s. 39, a notice of chargeability signed by three of such guardians is sufficient.*

*But where six parishes, including M, were under a local act united into one district for all purposes, except the purposes of settlement, and an order of removal to a parish without the district was obtained upon the complaint of the churchwardens and overseers of M, a notice stating that the pauper had become chargeable to M, signed by three guardians of the united district, was held insufficient.*

On appeal against an order of two Justices for the removal of Jane Leary and Margaret Leary, from the parish of Lambeth, in the county of Surrey, to the parish of St. Martin-in-the-Fields, in the city of Westminster, in the county of Middlesex, the Sessions quashed the order subject to the opinion of this Court on a case, the material parts of which were as follows:—

The parish of Lambeth was constituted an union of itself by virtue of the statute 4 & 5 Will. 4. c. 76. s. 39, under an order of the Poor Law Commissioners, bearing date the 19th November 1835. The notice of chargeability was signed by three persons, "guardians of the poor of the said parish of Lambeth." At the hearing of the appeal, it was objected, by the appellants, that the notice of chargeability was bad and insufficient, inasmuch as it was not signed by overseers of the poor of the said parish of Lambeth, and upon this objection the Sessions quashed the order.

The question for the opinion of this Court was, whether the notice of chargeability ought to have been signed by the guardians of the poor or by the overseers. If the signature by the former was sufficient, the order of Sessions was to be quashed, and the order of removal confirmed. If the Court should

think the notice ought to have been signed by the overseers, the order of Sessions was to stand, and the order of removal to be quashed.

*Charnock*, in support of the order of Sessions.—The notice of chargeability was insufficient. The question depends upon the construction to be put upon the statute 4 & 5 Will. 4. c. 76. s. 79, which provides that no poor person shall be removed, &c. until twenty-one days after a notice in writing of his being chargeable, &c., accompanied by a copy of the order of removal, &c., shall have been sent by the overseers or guardians of the parish obtaining such order, or any three or more of such guardians, &c. The "guardians of the parish," mentioned in this section, must be understood to mean guardians appointed under Gilbert's Act, 22 Geo. 3. c. 83; who, by section 7, are overseers of the parish for which they are appointed, to all intents and purposes, except with regard to the making and collecting of rates. But the guardians of an union, whether that union consist of many parishes incorporated by sections 26. & 38. of the stat. 4 & 5 Will. 4. c. 76, or of a single parish like Lambeth, constituted an union of itself, under section 39, are not overseers of the parish. Section 81. provides, that the notice of appeal must be signed by "the overseers or guardians of the parish appealing," using the same words as the 79th section; and it has been held, that the notice must be signed by the majority of the parish officers—*The King v. the Justices of Warwickshire* (1); it is not sufficient that it be signed by a guardian of the union in which the parish is incorporated—*The Queen v. the Justices of Surrey* (2).

[WILLIAMS, J.—The Judges there were speaking of several parishes formed into an union.]

The principle applies equally where guardians are elected for a single parish. The duties of guardians refer only to the relief of the poor—they are called guardians of the poor, not of the parish; and the powers of guardians elected under section 39. for a single parish are precisely the same as those of guardians for united parishes. In the 72nd section, the words "guardians of an

(1) 6 Ad. & El. 878; s.c. 6 Law J. Rep. (N.S.) M.C. 113.

(2) 13 Law J. Rep. (N.S.) M.C. 86.

union" and "guardians of a parish" are used in contradistinction. So in 5 & 6 Vict. c. 57. s. 6. the provisions of which would be unnecessary, if guardians of an union had already all the powers of overseers. To hold that either overseers or guardians may give notice of appeal or sign notice of chargeability, would give rise to the inconvenience that there may be two separate conflicting authorities for the same purpose in the same district. But this inconvenience will be avoided, and the words of the section satisfied, by holding the word "guardians" in the 79th section, to refer to guardians appointed under Gilbert's Act. It may be said, that the section does not require the notice of chargeability to be signed at all. But it requires that it shall be sent, and it must be taken that those who signed it sent it.

*Bovill, contra.*—*The Queen v. the Justices of Surrey* is in favour of the sufficiency of this notice. The fallacy lies in speaking of a single parish as an union. That is not so. Section 39. only provides that persons shall be elected guardians of a single parish in the same way as for an union. Guardians of the poor and guardians of the parish are throughout Gilbert's Act, 22 Geo. 3. c. 83, treated as synonymous, and this notice is signed by the guardians of the parish. [Sections 41. & 109. of 4 & 5 Will. 4. c. 76. were also referred to.] No signature at all was necessary—*The King v. the Inhabitants of Westbury* (3).

LORD DENMAN, C.J.—We will hear the next case before giving judgment.

THE QUEEN v. THE CHURCHWARDENS AND  
OVERSEERS OF ST. MARY'S, SOUTHAMPTON.

On appeal against an order of two Justices for the removal of Ann Whitlock and her two children from the parish of St. Mary, in the town and county of Southampton, to the parish of Botley, in the county of Southampton, the Sessions quashed the order, on the ground that the notice of chargeability was not signed and sent by persons proper and competent in law to sign and send the same, subject to the opinion of this Court upon a case.

(3) New Sess. Cas. p. 33.

The order of removal was made upon the complaint of the churchwardens and overseers of St. Mary's, Southampton. The notice of chargeability, which stated that the paupers had become chargeable to the parish of St. Mary, was signed by three persons "guardians of the poor of the united parishes of Southampton." The parishes of the town and county of the town of Southampton, including the parish of St. Mary, are by statute 13 Geo. 3. c. 1. (public local act) which formed part of the case, united into one district for the purpose of maintaining, relieving and employing the poor of the said several parishes from one common fund, and there is within the said district, by virtue of the said act, a corporation of guardians incorporated by the name of "the guardians of the poor within the town and county of the town of Southampton," having perpetual succession and a common seal, to whom the care and management of the poor of the said several parishes is, by virtue of, and according and subject to the provisions of the said act, committed, and conducted at a house fitted up for the reception of the poor in the said town and county of the town of Southampton. There are two churchwardens and two overseers of the poor of the said parish of St. Mary. The parties by whom the notice of chargeability was sent and signed were not churchwardens or overseers of the parish of St. Mary, but were members of the corporation of guardians elected in pursuance of the provisions, and for the purposes mentioned in the act; one only of the three who signed the notice was a guardian for the parish of St. Mary. If the Court should be of opinion that the notice of chargeability was signed and sent by the proper parties, the order of Sessions was to be quashed; if otherwise, to be confirmed.

*Saunders and Pashley*, in support of the order of Sessions.—The notice of chargeability was insufficient. This case is distinguishable from that just argued. The guardians appointed for a single parish may properly sign such a notice, but they cannot do so where they are guardians of an union only, as in the present case—*The Queen v. the Justices of Surrey*. The local act here provides, section 145, that "no appeal shall be made, &c. by any of the churchwardens

or overseers of the said several parishes, touching the settlement of any poor person, without an order of the said guardians at one of their courts for that special purpose to be made," not repealing the powers of overseers as to appeal, but only imposing a condition precedent to its exercise. And here the order properly purports to be made on the complaint of the churchwardens and overseers of the particular parish, while the notice of chargeability is improperly signed by the guardians of the united parishes, who had no authority to act except as a board—stat. 7 & 8 Vict. c. 101. s. 64.

*Watson and Archbold*, contra.—The notice of chargeability was signed by the proper parties. This is not an union under the statute 4 & 5 Will. 4. c. 76, but under the special provisions of a local act. For every purpose, except for the purpose of settlement as against third parishes out of the district, the town of Southampton is united into one body, with one common rate.

[*COLERIDGE, J.*—Would an order of removal be good founded upon a complaint made by the guardians?]

It would. The application should properly be made by those who represent the district, and who are aggrieved by the chargeability of the pauper, viz. the united parishes. The guardians have no power to compel the overseers of the particular parish to apply to the Justices for an order of removal. The particular parish is no more aggrieved than the others with which it is united; and it could not truly be said, that the pauper was chargeable to it. The 64th section of the statute 7 & 8 Vict. c. 101, enacting that guardians shall act only at a board, and not individually, has no reference to parishes incorporated under local acts.

*LORD DENMAN, C.J.*—In the former case, I think, the Sessions have done wrong. The guardians of the poor in Lambeth are guardians of the parish of Lambeth, and therefore the proper persons to sign and send the notice of chargeability according to the terms of the 79th section of the Poor Law Amendment Act. In the second case, I think the Sessions have done right, because the guardians of the poor of the united parishes of Southampton are not guardians of the parish

of St. Mary, Southampton, and therefore not the proper persons to sign and send the notice of chargeability.

*PATTESON, J.*—I have no doubt at all about these two cases. The 79th section says, the guardians of the parish shall send the notice of chargeability. In the Lambeth case the guardians of the parish have sent it. In the Southampton case, the churchwardens and overseers of the parish of St. Mary go and make the complaint that the paupers are chargeable to them, and get the order of removal made. Are we to assume that that was all fiction? Because, if not, the notice ought to be signed by the overseers or guardians of the parish, and it is not signed by any one holding that office, or purporting to hold it.

*WILLIAMS, J. and COLERIDGE, J.* concurred.

*The Queen v. the Inhabitants of Lambeth, order of Sessions quashed.*

*The Queen v. St. Mary, Southampton, order of Sessions confirmed.*

1845. } THE QUEEN v. THE INHABITANTS OF EAST RANTON.  
May 31. }

*Copy of Examination—Documentary Evidence*—4 & 5 Will. 4. c. 76. s. 79.

*Documents produced in evidence before Justices making an order of removal, form part of the examination, a copy of which, by statute 4 & 5 Will. 4. c. 76. s. 79, must be sent by the removing parish, with a copy of the order of removal. Therefore a copy of such documents must be sent, or a sufficient reason given for the omission to send them.*

On appeal against an order of two Justices for the removal of Elizabeth Spence and her five children from the parish of Gateshead to the township of East Rainton, the Court of Quarter Sessions, for the county of Durham, confirmed the order, subject to the opinion of this Court upon a case, of which the following is the substance:—



The respondents relied upon a hiring and service of the pauper's husband in East Rainton. The examinations relating to that hiring and service were as follows:— "John Robson says, I am colliery viewer for the Marquis of Londonderry at Rainton. I produce the pit bond by which the Marquis of Londonderry hired his pitmen for Rainton Colliery, for the year commencing the 5th of April 1829. It is dated the 21st of March 1829, and is made between the said Marquis of the one part, and the several persons, who were hired, on the other part. The several persons who were hired are thereby hired to the said Marquis for one year, from the 5th day of April 1829. Robert Spence, the late husband of Elizabeth Spence, was thereby hired to the said Marquis for one year. I have brought the said bond from Rainton Colliery office, where it is kept with other documents relating to the colliery."

The appellants, in their grounds of appeal, objected (*inter alia*) that the examinations were imperfect, in not setting out a copy of the pit bond, and that no copy of the pit bond had been sent to them with the examinations.

At the trial of the appeal, the respondents gave in evidence a pit bond, made the 21st of March 1829, between the Marquis of Londonderry and several other persons, among others Robert Spence. The case stated at length the contents of the bond so produced at the trial of the appeal, which contained a great number of special conditions. After the service of the grounds of appeal, but previous to the trial of the appeal, a copy of the bond was sent by the respondents to the overseers of the appellant township.

If the Court should be of opinion in favour of the appellants on any one of the points raised by the grounds of appeal, the order of Sessions was to be quashed.

*Order*, in support of the order of Sessions. —First, it has never yet been decided that it is necessary that a copy of all documents produced before the Justices, who make the order of removal, should be sent with a copy of the order. In *The Queen v. Inhabitants of Outwell* (1), Coleridge, J. seemed

(1) 9 Ad. & El. 839; s. c. 8 Law J. Rep. (N.S.) M.C. 27.

to intimate that the entire body of evidence must be sent, but the words, "copy of the examination," in the statute 4 & 5 Will. 4. c. 76. s. 79, may be interpreted to mean only the oral testimony given. If, however, the word "examination" does include documentary evidence, it must at least be restricted to documents over which the respondents have power. It may be impossible in many cases to send documents produced before the Justices. Suppose a pauper removed upon proof of a settlement by estate. He may have sold the property thirty years before. The purchaser, who would have the title deeds, may be summoned to produce them before the Magistrates, but there is no power to compel him to give a copy of these deeds.

[WILLIAMS, J.—There is nothing here to shew that there was any difficulty about procuring and sending a copy. On the contrary, the respondents did send a copy afterwards, though not at the proper time.]

Secondly, the Sessions have decided as a question of fact, that a copy was sent, and the respondents were at liberty to aid their originally informal copy, by sending a correct copy afterwards.

[PATTESON, J.—This is a special demurrer to your examination, and you say, you have amended.]

The evidence of the witness John Robson contains, in effect, a copy of the bond. There is no evidence to contradict that fact, which the Sessions have decided.

*Grainger*, *contra*, was not heard.

LORD DENMAN, C.J.—This case is free from all doubt.

PATTESON, J. and WILLIAMS, J. concurred.

COLERIDGE, J.—The case shews no excuse for not sending a copy of the pit bond with the rest of the examination. I do not think the Court intends at present to go farther than to say, that if a copy of the document is not sent, a good excuse must be offered for it.

*Order of Sessions quashed.*

1845. } THE QUEEN v. THE INHABIT-  
May 28. } ANTS OF BRIGHTHELMSTONE.

*Settlement, Derivative—Emancipation.*

*Examinations contained a statement that the pauper's father had gained a settlement in the appellant parish in 1790, and had in 1838 been removed to the appellant parish, by an order unappealed against; that the pauper was emancipated in 1823, and that neither the pauper nor his father had gained any other settlement in their own right:—Held, that this was evidence of the pauper's derivative settlement in the appellant parish, on which the Sessions were bound to act.*

On appeal against an order of two Justices for the removal of John Grill, his wife and six children, from the parish of Bright-helmstone to the parish of Little Hampton, the Court of Quarter Sessions for the county of Sussex quashed the order, subject to the opinion of this Court on a case, the material parts of which were as follows:—

The pauper, John Grill, was born on the 19th of April 1804, and became emancipated by marriage on the 28th of November 1823. He had gained no settlement in his own right, and was the legitimate son of Thomas Grill. The examination of Thomas Grill stated, "The pauper, John Grill, is my son: I believe he has never done any act whereby to gain any legal settlement in his own right. I was legally removed from the parish of New Shoreham, five years ago on the 26th of December last, by Mr. Hillwood, one of the parish officers of New Shoreham, to the parish of Little Hampton, by an order of two of her Majesty's then Justices in and for the county of Sussex, and I was duly delivered, with the said order, to the overseers of the said parish of Little Hampton, and the said order has not been appealed against." (The examination then shewed relief subsequently given to the witness by the parish of Little Hampton, while he was residing out of the parish.) "I gained my legal settlement in the said parish of Little Hampton, by apprenticeship to Jeremiah Scarrell, when I was about eighteen years of age, and I am now seventy-four years of age. I have never gained any subsequent settlement to my said apprenticeship." The several facts deposed to by Thomas Grill were, for the

purposes of the case, admitted by the appellants. The grounds of appeal stated that there was no legal or sufficient evidence shewing that Thomas Grill was settled in Little Hampton at the time of the emancipation of his son, the pauper, John Grill, in November 1823; and further, that there was no legal or sufficient evidence of any settlement of Thomas Grill in Little Hampton by apprenticeship or otherwise.

The question for the opinion of the Court was, whether sufficient appeared on the face of the examination (the facts therein being admitted) to entitle John Grill to a derivative settlement in Little Hampton. If so, the order of Sessions was to be quashed, and the order of removal confirmed; otherwise the order of Sessions was to be confirmed.

*Creasy*, in support of the order of Sessions.—The order of removal of the pauper's father to the appellant parish was made in 1838. But the pauper was emancipated in 1823. It does not appear that the order of removal in 1838 was grounded upon the settlement said to have been gained by the father by apprenticeship, before the birth of the pauper, and the examinations therefore do not shew sufficiently that in 1823 the pauper's father was settled in the appellant parish. *The King v. the Township of Caterall* (1), *The Queen v. the Inhabitants of Yeovely* (2), and *The Queen v. the Inhabitants of Lilleshall* (3), were cited. The sufficiency of the evidence contained in the examinations is a question for the Sessions, and the Court will not interfere with that decision unless they were clearly wrong.

*Pashley* and *J. J. Johnson*, contra, were not heard.

LORD DENMAN, C.J.—I think there can be no doubt in this case. The order of removal of the father, unappealed against, was clearly *prima facie* evidence of his settlement in the appellant parish, upon which the Sessions were bound to act, unless there was some evidence of the son's settlement elsewhere.

PATTESON, J. and WILLIAMS, J. concurred.

COLERIDGE, J.—The case says that the

(1) 6 Mau. & Selw. 83.

(2) 8 Ad. & El. 806; s. c. 8 Law J. Rep. (N.S.) M.C. 9.

(3) *Ante*, p. 97.

facts, stated in the examination are to be taken for granted. One of the facts stated is, that the father never gained any settlement subsequent to his apprenticeship. Then if that be so, the order of removal was evidence that he was settled in the appellant parish from the time of his apprenticeship up to the date of the order. He was settled there, therefore, previous to and at the time of the emancipation of the son, and as the son never gained any settlement in his own right, I do not see how we can resist the inference, that the son had a derivative settlement from his father in the appellant parish.

*Order of Sessions quashed.*

1845. } THE QUEEN v. THE INHABITANTS OF TOTLEY.  
June 4. }

*Settlement—Examination—Legitimacy, Presumption of.*

*A statement that A. is the child of B. is a sufficient allegation that he is his legitimate child.*

On appeal against an order of Justices for the removal of John, Sarah, Anne, James and George Booker, children of George Booker, deceased, from Totley to Unston, the Court of Quarter Sessions for the county of Derby quashed the order, subject to the opinion of this Court upon a case, the material parts of which were as follows:—

The order of removal was founded on the examination of William Booker, of, &c., taken on oath, &c., touching the place of the last legal settlement of John Booker, aged about seventeen years, Sarah Booker, aged about thirteen years, Ann Booker, aged about eleven years, James Booker, aged about nine years, and George Booker, aged about seven years, children of the late George Booker, of Totley, deceased. This examinant saith—"The said George Booker, deceased, was my brother, and died on the 1st day of May 1843, at Totley aforesaid, leaving eight children, viz., Mary, John, Elizabeth, Sarah, Ann, James, George and William. The said George Booker's wife died the day before. The said children were all residing with their said parents, George Booker and his said wife, until their deaths

as aforesaid, and none of the said children has since done any act to acquire a settlement in his or her own right." The examination then shewed a settlement of George Booker in Unston, and proceeded thus:—"The above-named children are now receiving relief from and are actually chargeable to the said township of Totley, and are severally inhabiting in that township of Totley."

The second ground of appeal was, that the examination of William Booker was not sufficient to warrant the order of removal, as it did not shew that the paupers named in the order were the legitimate children of the said George Booker, deceased, or that the said George Booker was ever married to the mother of the said children, or that he was ever married to her before the birth of the said children.

The fourth ground of appeal was, that the examination contained no sufficient statement of the chargeability of the paupers.

The Court of Quarter Sessions, after argument, decided in favour of the appellants on the second ground, but expressed no opinion on the fourth ground, and quashed the order upon the objection to the examination, subject to the opinion of the Court. If the Court should think the objection decided on by the Sessions fatal to the order of removal, or that the objection upon which the Sessions expressed no opinion was available and fatal to the order of removal, the order of Sessions was to be affirmed, otherwise to be quashed, and the order of removal affirmed.

*Clarke, Serj. and Denison*, in support of the order of Sessions.—It is consistent with these examinations that these children were born before the marriage of their parents.

[*LORD DENMAN, C.J.*—Are we to presume bastardy?]

Not where the presumption of bastardy would affect the interest of the party; but here it is indifferent in what parish the children are settled. If perjury were assigned upon this examination, the examinant might urge that he had used the word children in its popular sense, as including bastard children. There is no statement of the fact of marriage.

[*PATTESON, J.*—Is it necessary except in cases of crim. con. and bigamy that the fact of marriage should be proved? For the

purpose of this inquiry, would it not be quite sufficient to prove the marriage by general report or by cohabitation?]

The examination is insufficient, as giving no information to the appellants which might enable them to ascertain whether the parties were married. For this purpose it should have stated when and where the marriage took place. The Sessions must be taken to have decided that in this respect the examinations were deficient in particularity, and the Court will not overrule their decision upon a point of fact. The statement of chargeability is insufficient.

[LORD DENMAN, C.J.—We have held that the receipt of relief cures that objection.]

*Wildman* and *Wilmore*, contra, were stopped.

LORD DENMAN, C.J.—The argument which has just been addressed to us would raise a different question from that which has been submitted to us by the Sessions. The question put to us is not, whether sufficient information has been given to the opposing party; of that the Sessions are the only judges, it being a question of fact rather than of law. But when the Sessions quash an order subject to a case, and ask our opinion, as they have done here, whether the objection was a fatal one, we must see whether the Sessions have done wrong, and decide it as a question of law. Now, no one at all accustomed to legal language can doubt that this examination contains a sufficient statement that the paupers were the legitimate children of George Booker. The law does not contemplate the relation of illegitimacy at all. A statement that a person is the child of another is a sufficient averment that he is his legitimate child. The examination, therefore, was quite sufficient in this respect. If the Sessions had decided as a matter of fact that it was insufficient, as not enabling the appellants to ascertain whether the parties were ever married, we might have considered ourselves bound by their decision; but that was not the objection raised and decided on by the Sessions, nor is it submitted to us.

PATTERSON, J.—I cannot in the least doubt that it sufficiently appears on this examination that the relation of husband and wife subsisted between these parties, and that these children were their legitimate children.

There is no statement, in so many words, that there was an actual marriage; and whether there was an actual marriage was not what the Sessions had to determine upon the objection taken. If there was sufficient to satisfy the mind of the removing Justices, the Sessions could not say there was no evidence of it.

WILLIAMS, J.—The ground of appeal does not point to the objection now made. The appellants do not say that the examination does not give sufficient information to enable them to ascertain whether these persons were married or not, but they say that the removing Justices, upon the facts contained in the examination, had no evidence before them of the marriage. I think, however, the examination as it stands does fairly lead to the conclusion that the parties were married; and how it can be said there was not at the least presumptive evidence for the removing Justices that the paupers were the legitimate children of George Booker, I am, I confess, at a loss to understand.

COLERIDGE, J. concurred.

*Order of Sessions quashed.*

BAIL COURT.

1845.

June 5.

THE QUEEN v. THE JUSTICES  
OF MIDDLESEX.

*Appeal—Notice—Time.*

*By a local act, an appeal was given to the Quarter Sessions, on the appellant giving seven days' notice, at least, of his intention to bring such appeal. Notice of appeal was served on the respondents, at half-past nine o'clock, A.M., on the 31st of December. The Sessions commenced at ten o'clock A.M., on the 7th of January, at which time the appeal was entered, but by the practice of the Sessions the hearing of the appeals was adjourned until the 30th of January:—Held, that the notice of appeal was given one day too late, as the words "at least" exclude both the day of giving the notice and the first day of the Sessions.*

*Held, also, that the fraction of a day could not be considered, so as to render the service of the notice good.*

*Held, also, that the time within which notice of appeal was to be given ought to be computed up to the day on which the appeal*

*was entered, and not to the day on which the appeals were heard.*

By the 121st sect. of 53 Geo. 3. c. cxii. (local and personal, public), intituled, 'An Act for the better relief and employment of the poor, and for the enlargement of the burial ground in the parish of St. Leonard, Shoreditch, in the county of Middlesex, and for other purposes relating to the said parish' (1), an appeal from the determination of the trustees is given to the party aggrieved to a General or Quarter Sessions for the county of Middlesex, holden within three months next after such determination of the trustees, the appellant giving seven

(1) Sect. 121. enacts, "That if any person or persons shall think himself, herself or themselves aggrieved by any rate or rates, assessment or assessments, or by any bye-law, rule or order, made in pursuance of the act, such person or persons shall apply for relief to the said trustees, at any meeting to be held within twenty-one days next after demand made of such rate or rates, assessment or assessments, or next after any such matter or thing done or committed by, or by an order of the said trustees, by which such person or persons shall think himself, herself or themselves aggrieved; and the said trustees are hereby authorized and empowered to give such relief in the premises as to them shall seem necessary; and if such person or persons shall not be satisfied with the determination of such trustees, or the said trustees shall neglect, within one calendar month after such application, to determine, or to give notice of such determination, to the person or persons so applying for relief, he, she or they may appeal to a Quarter or General Sessions of the peace, to be holden for the county of Middlesex, as the case shall be, within three months next after such determination of the said trustees shall be made, such appellant first giving or causing to be given seven days' notice, at least, in writing, of his, her or their intention to bring such appeal, and of the matter thereof, to the clerk or clerks of the said trustees, or leaving such notice for him or them at his or their last or usual place or places of abode, and within three days next after such notice entering into a recognizance before one of his Majesty's Justices of the Peace for the said county with two sufficient sureties in the sum of 40*l.*, conditioned to try such appeal, and to abide the order of and to pay such costs as shall be awarded by the Justices of such Quarter or General Sessions of the Peace for the said county, upon due proof of such notice being given as aforesaid, and of the entering into such recognizance, and such Justices shall hear and determine the causes and matters of such appeal in a summary way, and award such costs to the parties appealing or appealed against, as they the said Justices shall think proper; and the determination of such Justices, at their Quarter or General Sessions, shall be final, binding and conclusive.

days' notice, at least, in writing, of his intention to bring an appeal. Henry Thomas, being rated under the above act, applied to the trustees for relief, who, on the 26th of September, came to a determination, which was confirmed, in pursuance of the act, on the 16th of October. On the 31st of December following, at half-past nine A.M., the appellant served the clerk of the trustees with a notice of appeal, in writing, against this determination of the trustees. The ensuing sessions commenced at ten P.M., on the 7th of January, when, according to the practice of the Sessions, all appeals intended to be tried were obliged to be entered; but the hearing of appeals was adjourned to the 30th of January. Upon that day, the appeal being called on, the respondents applied to have it adjourned for the convenience of counsel, and it was accordingly adjourned at their instance to the April sessions, when it came on for hearing. The respondents then called upon the appellant to prove his notice of appeal, and a witness was called for that purpose, when the respondents objected that it was insufficient, as seven clear days had not elapsed between the day of giving notice and the first day of the sessions. The affidavits stated that no waiver of the proof of notice by the respondents was urged or intimated by the appellant, and the Sessions, being of opinion that a sufficient notice had not been proved, dismissed the appeal.

*Pashley* had obtained a rule nisi for a mandamus to the Justices of the Peace for the county of Middlesex, commanding them to enter continuances and hear the appeal, on the grounds that the day upon which the notice was given ought to be included in the computation of the time, or, if the fraction of a day was considered, there would be seven whole days intervening; and also that the respondents, by applying to have the appeal adjourned, had waived the objection to the notice.

*Prendergast* and *Hodges* shewed cause against the rule.—If the meaning of the act is that there are to be seven whole days intermediate to the time of giving notice to the Sessions, then undoubtedly the notice is out of time; and it is contended that such is the true interpretation. This construction has been put upon the words "fourteen days at least before the first day of the

sessions," in the 4 & 5 Will. 4. c. 76. s. 81, and there is no difference between the two cases. The meaning of the words "at least" has been considered in a variety of cases—*The Queen v. the Justices of Salop* (2), *Zouch v. Empsey* (3), *Young v. Higgon* (4), *Mitchell v. Foster* (5), *Chambers v. Smith* (6).

[WIGHTMAN, J.—In *Chambers v. Smith* the word was "between," which obviously excludes both days.]

The correct rule is, that where the time is to be computed against the party doing an act, the day on which the act is done may be included; but where the party against whom the time runs is not privy to the act, both days are to be excluded. Here the respondents are not privy to the notice, and are entitled to seven clear days to prepare for trial—*Lester v. Garland* (7). Then it is said that the fraction of the day may be considered, and that, with reference to the time of day at which the notice was given, seven clear days have intervened; and *Godson v. Sanctuary* (8) is relied upon; but that case does not apply here.

[WIGHTMAN, J.—That was a question as to the priority of one of two acts, both of which were done on the same day, and it was necessary to consider the fraction of a day.]

Then the time must clearly be computed from the first day of the sessions, not from the appeal day. The law takes no notice of adjournments, but contemplates the sessions as being held on one day—*The King v. the Justices of Surrey* (9).

[WIGHTMAN, J.—I think the day on which the appeal was entered must for this purpose be considered as the day on which the appeal is brought.]

As to the waiver, that was never urged at the sessions; but even if it had been, the Justices were not bound by any waiver by

the parties—*The King v. the Justices of the West Riding of Yorkshire* (10), *The Queen v. the Justices of Middlesex* (11).

*Pashley*, in support of the rule.—*Young v. Higgon* is distinguishable. In *Legge v. Williams* (12), which was under the 2 Geo. 2. c. 17. s. 6, by which notice of trial is to be given "at least ten days before trial," notice on the 9th for the 19th was held sufficient; that case was not cited in *Zouch v. Empsey*. But here the Court will consider a fraction of a day; and if that is done there will be seven clear days, that is, seven times twenty-four hours—*Symons v. Low* (13), *Pugh v. Robinson* (14), *Ex parte Farquhar* (15), *Ex parte Davey* (16), *Ex parte Senior* (17), *Godson v. Sanctuary*, *Harper v. Taswell* (18), where Tindal, C.J., said, "five days is five times twenty-four hours"—*Cowie v. Harris* (19). But even if this cannot be done, the appellant has a right to compute the time up to the day of hearing appeals, the 30th of January.

[WIGHTMAN, J.—The act says seven days at least before bringing the appeal; and the printed list attached to the affidavits shews that appeals must be entered on the 7th.]

The first of the seven days ought not to be included. When time runs from the doing of an act, then the day upon which that act is done may be included,—but it is otherwise when the time runs from a given day—*Bellasis v. Hester* (20), citing *Clayton's case* (21), *Co. Litt.* 46, b, 255, a, *Com. Dig.* 'Temps,' 4, *Norris v. the Hundred of Gawtry* (22), *Glassington v. Rawlins* (23), *Ex parte Farquhar*, *Godson v. Sanctuary*, *Hardy v. Ryle* (24), in which case the distinction is taken between those who are privies and strangers to an act—*The King*

(10) 5 B. & Ad. 667; s. c. 3 Law J. Rep. (n.s.) M.C. 21.

(11) 12 Law J. Rep. (n.s.) M.C. 59.

(12) Cited in Tidd's Prac., 755, note c.

(13) Styles, 72.

(14) 1 Term Rep. 116.

(15) Mont. & M. 7.

(16) 4 Dowl. & Ryl. 646; s. c. 2 Law J. Rep. K.B. 209.

(17) 1 Dowl. P.C. 517.

(18) 6 Car. & Pay. 166.

(19) Moo. & Mal. 141.

(20) 1 Ld. Raym. 280.

(21) 5 Rep. 1.

(22) Hob. 189.

(23) 3 East, 407.

(24) 9 B. & C. 603; s. c. 7 Law J. Rep. M.C. 118.

(2) 8 Ad. & El. 173; s. c. 7 Law J. Rep. (n.s.) M.C. 56.

(3) 4 B. & Ald. 522.

(4) 6 Mee. & Wels. 49; s. c. 9 Law J. Rep. (n.s.) M.C. 29.

(5) 12 Ad. & El. 473; s. c. 9 Law J. Rep. (n.s.) M.C. 95.

(6) 13 Law J. Rep. (n.s.) Exch. 26.

(7) 15 Vea. 248.

(8) 4 B. & Ad. 255; s. c. 2 Law J. Rep. (n.s.) K.B. 19.

(9) 1 Mau. & Selw. 479.

*v. Goodenough* (25), *The King v. the Justices of the West Riding of Yorkshire*. In *The Queen v. the Justices of Salop* the words are "fourteen days at least before the first day of the sessions," which distinguishes it from the present case.

*Cur. adv. vult.*

WIGHTMAN, J. now (June 12th) delivered judgment.—This was a mandamus to enter continuances, and to hear an appeal by Henry Thomas against a rate for the parish of St. Leonard, Shoreditch. The proceedings were under a local act, 53 Geo. 3. c. cxii., regulating the parish, by which it was provided that there should be an appeal to the Quarter Sessions holden within three months next after the determination of the trustees, and at least seven days' notice of appeal was to be given before the sessions at which the appeal is brought. Here the appeal was entered on the first day of the sessions, the 7th of January, and the notice of appeal was served at half-past nine o'clock on the 31st of December preceding; and the question is, whether the seven days' notice which was to be given was to be exclusive of the day of giving notice, and also of the day on which the appeal was entered or not. If this were the first case on the point, I confess I should be inclined to think that the notice was given in sufficient time; but it has been so frequently decided that the words "at least" exclude the day on which the notice is given, and also the day on which the act is done, that it seems to me to be too late to revive this question, especially as it appears that in the two latest cases the Court recognized the previous cases, and held themselves bound by them. *Zouch v. Empsey*, *The Queen v. the Justices of Salop*, and *Mitchell v. Foster*, are direct authorities to this effect. It was then contended, that the fraction of the day upon which the notice was given might be taken into consideration, and that if that was done the notice would appear to be given in time; but no authority was cited for that proposition. Where the question is, which of two acts takes precedence of the other, a fraction of a day may be considered, but that is not the case here. In cases such as this, where one act is to be done a

certain number of days at least before another act, the general rule, excluding the day on which each of the acts is done, is applicable; and the precise time at which either of the acts is done does not become material. I am therefore of opinion, that in this case the notice of appeal was served one day too late, and that the Sessions were consequently warranted in refusing to hear the appeal. There were other points, some of which were disposed of in the course of the argument, and others have, by the view which I have taken, become unnecessary.

*Rule for a mandamus discharged.*

BAIL COURT.

1845. } THE QUEEN v. THE JUSTICES  
May 29, 30; } OF MONTGOMERYSHIRE.  
June 12.

*Poor Law—Appeal—Notice of Trial—Practice of Quarter Sessions, Reasonableness of.*

*By the practice of a Quarter Sessions notice of trial was required to be given by the appellants to the respondents in the case of an entered and respited appeal twenty-eight days before the Sessions at which the appeal was to be tried. Where the appeal was entered and respited at the Easter Sessions, and notice and grounds of appeal were sent fourteen clear days before the July Sessions, but twenty-eight days' notice was not given, and the Sessions consequently refused to entertain the appeal, a rule for a mandamus to compel them to hear was discharged, as the rule of practice, although unnecessary, did not appear to be so unreasonable as to compel the Court to interfere with it.*

A rule nisi had been obtained for a mandamus directed to the Justices of the Peace for the county of Montgomery, commanding them to enter continuances and hear an appeal against an order for the removal of Hughes Hughes, Mary his wife, and their children, from the parish of Carno, in the said county, to the parish of Llanecil, in the county of Merioneth. The order of removal, made on the 18th of December 1843, and a copy of the order and notice of chargeability, was sent to the

appellant parish on the 20th of the same month; the paupers were removed on the 13th of January 1844. The next Sessions for the county of Montgomery were held on the 7th of April, when an appeal against the above order was duly entered and respited; and an order of the Court was thereupon drawn up, that the appellants should cause the respondents, or some of them, to be served with a copy of the order of Sessions adjourning the appeal, at least twenty-eight days before the next Quarter Sessions. On the 19th of June, being fourteen clear days before the day upon which the Midsummer Sessions were holden, notice and grounds of appeal were sent, but no notice of the entry and respite given to the respondents. The rules of practice of the Montgomeryshire Sessions, a copy of which was annexed to the affidavits, directed "every notice of appeal to be given in writing by the appellants or their solicitors to the respondents or their solicitors, eight clear days before the Sessions, if the cause of appeal shall have arisen or happened time enough to admit thereof, unless otherwise directed by statute. Notice of prosecuting adjourned appeals to be given in like manner twenty-eight clear days before the Sessions; and unless the appellants prosecute the said appeal with effect at the said then next Sessions, the order of removal to stand confirmed." There were affidavits in support of the rule, which stated that the practice of the Sessions in enforcing the rule as to notice of trial had been disused, and referred to two particular instances where it had not been enforced. The affidavits, in answer, referred to the copy of the rules of the Sessions, and denied that the practice had been discontinued, the required notice of trial having been given in the two cases referred to, but proof of it waived by the respondents. The Sessions confirmed the order of removal, with costs, on the ground that notice of trial had not been given twenty-eight days previous to the July Sessions.

*Bodkin* shewed cause.—The contention by the other side must be that this rule of practice is absurd and unreasonable. *The King v. the Justices of Wiltshire* (1) and

*The King v. the Justices of Norfolk* (2), will be relied on to shew that this Court will interfere with the discretion of the Sessions; but in *The King v. the Justices of Monmouthshire* (3), Patteson, J. says, the observations of Lord Ellenborough, in the first case, go further than the Court would now go; in fact, that case rested entirely upon the 9 Geo. 1. c. 7. s. 8, which is wholly inapplicable to the case of respited appeals. It is not necessary to give notice of the entry and respite to the respondents. This rule, however, is not so unreasonable as to call upon the Court to interfere. Six months elapsed after the execution of the order without anything being heard of it by the respondents; twenty-eight days, therefore, is not an unreasonable time for them to get up their case and collect their witnesses.

*Townsend and Pashley*, in support of the rule.—The Sessions have no right to impose such a condition as that twenty-eight days' notice of trial shall be given. In *The King v. the Justices of Norfolk*, Taunton, J. says, the Sessions have no right to impose such a condition as notice of the entry; and in *The Queen v. the Justices of the West Riding of Yorkshire* (4) a rule of practice requiring that on entry of an appeal the original order should be filed, was held invalid.

[WIGHTMAN, J.—Was the ground of refusal by the Sessions in this case that the order had not been served, or that notice of trial had not been given?]

The objection was to the notice; but it appears on the affidavits that service of the order was required by the order of the Sessions. In *The King v. the Justices of the West Riding of Yorkshire* (5), Parke, J. says, the Sessions are judges of their own practice, but this Court is also judge of whether that practice is reasonable. In *The Queen v. the Justices of Merionethshire* (6), this Court reviewed the practice of the Sessions as to costs. *Rudyard's case*

(2) 5 B. & Ad. 990; s. c. 3 Law J. Rep. (n.s.) M.C. 66.

(3) 3 Dowl. P.C. 306.

(4) 2 Q.B. Rep. 705; s. c. 12 Law J. Rep. (n.s.) M.C. 148.

(5) 5 B. & Ad. 667; s. c. 3 Law J. Rep. (n.s.) M.C. 21.

(6) 1 Dav. & Mer. 121; s. c. 13 Law J. Rep. (n.s.) M.C. 114.

(1) 10 East, 404.



(7), and *The Queen v. Durr* (8), shew that the Court will exercise an authority in reviewing the discretion of Magistrates. The Sessions have no power to impose a new condition of appeal—*The King v. the Justices of Staffordshire* (9). *The King v. the Justices of Monmouthshire* is a very different case from the present; there the appellants admitted that they had not complied with the reasonable practice of the Sessions in the case of a respited appeal, and the Court was asked to adjourn, which, in their discretion, they refused to do. Reasonable time is matter of law for this Court to determine: "it ought to be adjudged by the Justices,"—*Co. Litt.* 56, b.

[WIGHTMAN, J.—"By the Justices before whom the cause dependeth." If then the question of reasonable time is one within the discretion of the Sessions, and they decide upon it, we do not sit as a court of error to review their discretion.]

Such a length of notice as this is quite unknown in legal proceedings. Notice of a trial at bar even is much shorter. By the 14 Geo. 2. c. 17. s. 4. ten days' notice of trial for the assizes is considered sufficient. At these very Sessions eight days' notice is sufficient where there has been no entry and respite. The act of parliament, by making a general provision for fourteen days' notice, has declared the opinion of the law as to what is reasonable.

[WIGHTMAN, J.—That is fixed only as a minimum.]

It is analogous to the practice as to awards; a certain time for setting aside awards is fixed by statute, but in cases where the statute does not apply that time is taken by the Courts as a reasonable time—*Veale v. Warner* (10). If twenty-eight days is reasonable, there is no saying what limit can be imposed. Fourteen days is the utmost time that has ever been held reasonable for notice of trial—*The King v. the Justices of Lancashire* (11), *The King v. the Justices of Wiltshire*, *The King v. the Justices of Norfolk*. It is not clear from

the affidavits whether this rule, as to the twenty-eight days' notice, has usually been exacted by the Sessions: we contend it is obsolete.

[WIGHTMAN, J.—I must take the rules of the Sessions which are before me as authority on that point.]

It may be this rule has not been adopted since the New Poor Law Act has passed.

*Cur. adv. vult.*

WIGHTMAN, J., now (June 12) delivered judgment.—This was a mandamus to Justices to enter continuances and hear an appeal against an order of removal, which was made in December 1843, and under which the pauper was removed in January 1844. The appeal was entered and respited at the April Sessions, and the notice and grounds of appeal were given by the appellants fourteen clear days before the July Sessions. It appears that the practice of these Sessions required twenty-eight days' notice of trial to be given in the case of entered and respited appeals; and the question which is raised is, whether the practice of the Sessions in this respect is so unreasonable that this Court will interfere with it. Several cases were cited on this point—*The King v. the Justices of Wiltshire*, *The King v. the Justices of Monmouthshire*, *The King v. the Justices of Lancashire*, *The King v. the Justices of the West Riding of Yorkshire*, and the result of all of them is, that the Quarter Sessions are the proper judges of their own rules, and that this Court will not interfere with these rules unless they appear so unreasonable that they cannot be supported. Here the rule requiring twenty-eight days' notice, though it seems to be unnecessary, is hardly so unreasonable that I ought to interfere.

*Rule for a mandamus discharged.*

1845. } THE QUEEN v. THE INHABITANTS OF WORTHENBURY. 11  
May 28. }

*Order of Removal—Signature of Justices.*

*Justices need not sign their Christian names at full length to an order of removal.*

On an appeal against an order of Justices for the removal of Samuel Griffiths from

(7) 2 Vent. 22.

(8) 12 Ad. & El. 599; s. c. 10 Law J. Rep. (N.S.) M.C. 29.

(9) 4 Ibid. 842; s. c. 6 Law J. Rep. (N.S.) M.C. 155.

(10) 1 Wms. Saund. 327, d.

(11) 7 B. & C. 691; s. c. 5 Law J. Rep. M.C. 131.

the township of Wolverhampton, in the county of Stafford, to the parish of Worthenbury, in the county of Flint, the Court of Quarter Sessions confirmed the order, subject to the opinion of this Court upon a case, the material parts of which were as follows:—The order of removal commenced thus—"Whereas complaint hath been made unto us whose names are hereunto set and seals affixed, being two of her Majesty's Justices of the Peace acting in and for the said county of Stafford (one whereof being of the quorum,)"—[then followed the complaint] "we the said Justices, upon due proof, &c." [then followed the adjudication and order of removal]. "Given under our hands and seals the 26th day of July, A.D. 1844.

"W. Mannix (L.S.)

"Geo. Briscoe (L.S.)"

The examination which accompanied the order of removal was stated in the heading thereof to be "taken upon oath before us, two of her Majesty's Justices of the said county," and the jurat was, "Sworn before us the said Justices,

"W. Mannix.

"Geo. Briscoe."

The notice of appeal, served by the appellants, stated their intention "to appeal against an order of W. Mannix and George Briscoe, two of her Majesty's Justices of the Peace acting in and for the county of Stafford;" and the ground of appeal was, "that the order and examination were bad and insufficient on the face thereof."

At the trial of the appeal the appellants objected that the names of the Justices who made the order, and before whom the examination was taken, did not sufficiently appear on the face of the order and examination. This objection was overruled by the Court of Quarter Sessions.

If this Court should be of opinion that the objection should have prevailed, then the order of removal and the order of Sessions were to be quashed, otherwise to be confirmed.

*Whitmore*, in support of the order of Sessions, was stopped.

[LORD DENMAN, C.J.—One might think that the Sessions which had the courage to get over such an objection as this, might have had boldness enough to refuse to grant a case upon it.]

NEW SERIES, XIV.—MAG. CAS.

*U. Corbett and E. Yardley*, contra.—This is not only a warrant but a judgment. There ought to be no abbreviations in such a document. Coroner's inquisitions have been held bad, in which the christian names of the jurors were not set out at length. They cited *The King v. Stevenon* (1), *The King v. Evett* (2), *The King v. Bowen* (3), *The King v. Bennett* (4), and stat. 6 & 7 Vict. c. 83. s. 2.

LORD DENMAN, C.J.—Which section shews that there was a reported case which parliament thought they might as well get rid of. This order is clearly good.

The rest of the Court concurred.

*Order of Sessions confirmed.*

#### [IN THE EXCHEQUER OF PLEAS.]

1845. } SURMAN AND OTHERS v. DARLEY  
May 28. } AND OTHERS.

*Poor Rate — Local Acts — Dwelling-House—Theatre.*

*A local act of 12 Car. 2. enacted that the yearly sum of 250l. should be charged upon the houses of the inhabitants of St. Paul's, Covent Garden, except Bedford House, for the support of the rector, curate, clerk and sextons. Another local act, 51 Geo. 3. c. cl. repealing the former, enacted that in lieu of the sum of 250l. the yearly sum of 520l. should be charged upon all houses within the said parish of St. Paul; and that such rates and assessments should be paid by the respective occupiers of such houses respectively:—Held, that the word "houses," in the acts, primâ facie meant dwelling-houses, and that the proprietors in possession of Covent Garden Theatre, in which no person slept or resided, and who did not themselves reside within the parish of St. Paul, were not liable to be rated for the same.*

This was an action of trespass, for breaking and entering Covent Garden Theatre,

(1) 2 East, 362.

(2) 6 B. & C. 247; s. c. 5 Law J. Rep. M.C. 36.

(3) 3 Car. & Pay. 602.

(4) 6 Ibid. 179.

situate in the parish of St. Paul, Covent Garden, and taking the goods of the plaintiffs. The defendants having pleaded Not guilty, and issue having been joined thereon, the facts were, by a Judge's order, stated for the opinion of this Court, in the form of a special case.

The plaintiffs are the proprietors in possession of Covent Garden Theatre; and the defendants, at the time of the trespass, were the churchwardens of St. Paul's, Covent Garden. The statute 51 Geo. 3. c. cl., local and personal, public, enacts, section 1st, as follows:—"Whereas an act was passed in the 12 Car. 2, intituled, 'An Act for making the precinct of Covent Garden parochial,' whereby it was, amongst other things, enacted that the yearly sum of 250*l.* should from thenceforth be and the same was thereby charged upon the houses of the inhabitants of the parish of St. Paul, Covent Garden, in the county of Middlesex, except the house then commonly called Bedford House, with the appurtenances, for the support and benefit of the rector, curate, clerk and sextons, for the time being, of the said parish; and whereas, from the very great advance in price of the articles of necessary consumption, it is expedient that the said sum of 250*l.* should be increased," &c. The act then repeals the charge of 250*l.*, and all the powers and provisions relating thereto. Sect. 2. enacts, "That, in lieu of the said sum of 250*l.*, the yearly sum of 520*l.* shall, from the 25th of March next before the passing of this act, be and the same is hereby charged upon all *houses* within the said parish of St. Paul, Covent Garden." It then enacts, that the said sum shall yearly be assessed by the churchwardens, "after a formal vote, according to the fair and yearly rent, or improved value of such *houses* respectively." That such rates and assessment shall be borne and paid by the respective "occupiers of such houses respectively," and shall be collected by the persons appointed by the churchwardens. Section 3. enacts, that in case of neglect or refusal by parties liable to pay the sums "rated and assessed upon the *house* or *houses* in his or their occupation, or upon him, her, or them, in respect thereof," the same may be levied by distress. The statute 12 Car. 2. c. xxxvii. and

51 Geo. 3. c. cl. and the 10 Geo. 4. c. lxxviii, local and personal, public, are to form part of this case. The plaintiffs were assessed in the yearly sum of 33*l.* 8*s.* 8*d.* as the occupiers of Covent Garden Theatre, described as a certain house, situate in Bow Street. The premises in question were used by certain persons, with the permission of the plaintiffs, for dramatic exhibitions for money, which money was received by the said persons on their own account: they paying a large sum to the plaintiffs for the use of the premises. No person slept or resided on the said premises; none of the proprietors were resident in the said parish; nor did any of them, by themselves or any other person, occupy the said premises, or any part thereof, otherwise than as aforesaid. The question for the opinion of the Court was, whether the Theatre Royal Covent Garden was, at the time of the making of the said rate, properly liable to assessment, under stat. 51 Geo. 3. c. cl. If the Court should decide in the affirmative, judgment was to be entered for the defendants; if in the negative, for the plaintiffs, in such form as the Court should direct.

*Jervis*, for the plaintiffs.—The question is, whether Covent Garden Theatre is to be considered a *house*, within the meaning of the local act of parliament. The plaintiffs submit that it is not. The argument turns upon the meaning of the word "house" coupled with the word "occupier" in the act of parliament. The intention of the act was, that payment should be made by those houses only which were capable of being occupied as dwelling-houses. In *Aldred's case* (1), it is said that the habitation of man is the principal end of a house.

[ROLFE, B.—Or rather, the capability of its being inhabited.]

In 2 *Russell on Crimes*, p. 488, 2nd edit. 'Arson,' the word "house" is defined to mean a dwelling-house and all outhouses which are parcel thereof. In *Elsmere v. St. Briavell's* (2) it was held, that a building intended for, and constructed as a dwelling-house, but which had not been completed or inhabited, and in which the owner had

(1) 9 Rep. 58, a.

(2) 8 B. & C. 461; s.c. 6 Law J. Rep. K.B. 372.

deposited straw and agricultural implements, was not a house. The context of the act of parliament shews that rates were to be payable on those houses only which were capable of occupation; and that the personal care and spiritual superintendence of the rector were the consideration for the payment; but that consideration fails where, as in the present case, there is no occupation. He cited *The King v. Adlard* (3).

*Bodkin*, contra.—The question turns upon the construction of the two acts of parliament, the stat. 12 Car. 2. c. xxxvii., and the 51 Geo. 3. c. cl., the objects of which are quite distinct. The statute 12 Car. 2. c. xxxvii. directs the sum of 250*l.* to be raised annually, not only for the ministers, but for the sexton and parish clerk also, so that the services of the rector are not the only consideration for the payment. The state of property has been materially changed since the passing of that statute; and therefore the statute 51 Geo. 3. c. cl. repeals all previous provisions on the subject, and as a larger annual sum had become necessary, the intention of the act of parliament was, that no buildings whatever should be exempted from assessment. A *house* may be defined to be every building that, by its structure, is adapted to human beings. In this case there was beneficial occupation.

*Jervis*, in reply, was stopped by the Court.

*POLLOCK*, C.B.—We all think that the term “houses” *primâ facie* means dwelling-houses. The act of Car. 2. confined the charge to the *inhabitants* of the parish. That act was repealed, and a new arrangement substituted, by which the charge was made upon all occupiers of houses within the parish. The act was intended to apply to dwelling-houses occupied by individuals, and warehouses and counting-houses were not included within it. Nor can we construe it to extend to other buildings which, strictly speaking, are not houses, although popularly called so. Our judgment must be for the plaintiffs.

*ALDERSON*, B.—If both acts are considered together, the meaning of the last is plain.

It meant to impose a charge on dwelling-houses only, or those which are capable of being made such. The first act is a key to the second, and shews that those parties were to be rated who would derive benefit from the services of the rector, curate, clerk or sexton. The first act contains an exception of the house of the Duke of Bedford; the second act is more comprehensive, and repeals that exception, but does not alter the description of houses that are made liable to the rate; it tends, however, to shew that the other houses intended to be rated were such as were occupied in a similar manner.

*ROLFE*, B.—The word “houses” *primâ facie* means dwelling-houses, and this is in accordance with the meaning of the first act of parliament. The presumption arising from both acts is, that the same description of property was intended to be rated; and although the words are somewhat different, yet if such an alteration had been contemplated as the rating of theatres, the meaning would have been expressed clearly, and would not have been left to inference.

*PLATT*, B.—The statutes 12 Car. 2. and 51 Geo. 3. have the same object in view; the former makes the houses of the inhabitants of St. Paul's, Covent Garden, liable to be rated; and the only object of the latter is to increase the stipend of the rector. The second section of the last act points out the subject and the persons liable to be rated; it mentions “all houses within the said parish,” that is, all dwelling-houses capable of being inhabited by man. Other acts of parliament relating to the same subject mention expressly outhouses, warehouses, and other buildings, as subjects of local taxation, which seems to shew that the word “houses” was not considered by the framers of those acts sufficiently comprehensive to include all those descriptions of buildings. The difference between the acts of 12 Car. 2. and 51 Geo. 3. is, that by the former, the houses of inhabitants are rateable, and by the latter, those of occupiers. In both cases, however, the word “houses” means those dwellings which are fit for the habitation of man.

*Judgment for the plaintiffs.*

1845. { THE QUEEN v. THE GUARDIANS  
June 3. { OF THE POOR OF THE TOT-  
NES UNION.

*Order of Justices—Summons.*

*No order of Magistrates can be made in the absence of the party whose interests are to be affected by it; and, therefore, where two Magistrates made an order on the guardians of a union, under 4 & 5 Will. 4. c. 56. s. 27, directing them to give relief to an infirm pauper, without requiring that she should reside in any workhouse, and the guardians returned, amongst other things, that neither they nor the overseers of the parish in which the pauper was stated to be residing, and entitled to relief therefrom, had been summoned to attend, nor were present, at the hearing of the complaint, or the making of the order,—Held, that this was a good and valid objection to the order.*

*Quære—on whom such an order ought to be made.*

Mandamus to the guardians of the poor of the Totnes Union, in the county of Devon, commanding them to give relief to Elizabeth Pering without requiring that she should reside in any workhouse.

The writ recited, that the Totnes Union was a union formed under the provisions of the act 5 & 6 Will. 4, and that by a certain order under the hands and seals of T. K. and H. P, two Justices of the Peace in and for the county, and usually acting for the district wherein the said union was situated, made and bearing date the 22nd of August 1844, it was, amongst other things, upon due proof, found and adjudged that Elizabeth Pering, of the parish of B, in the said union and county, an adult person, was from old age and infirmity of body wholly unable to work, and was then lawfully entitled to relief in such union, and desired to receive the same out of a workhouse; and that the said T. K, one of such Justices, did certify in such order, of his own knowledge, that the said E. P. was wholly unable to work as aforesaid; and that the said Justices did in and by their said order, in pursuance of the provisions of the said act of parliament, duly direct the guardians of the poor of the said union to give relief to the said E. P, without

requiring that she should reside in any workhouse. The writ then stated that the order was duly served on the guardians at their general weekly meeting, on the 24th of August 1844, and delivered to the presiding chairman; but that the said guardians at their said weekly meeting declined to order any such relief; and that afterwards, on the 31st of the same month, the said E. P. applied to them for relief under the said order, and requested them to give relief to her without requiring that she should reside in any workhouse, but that the said guardians wholly refused and still refuse to comply with the said order.

To this writ the guardians returned as follows:—

“We, the guardians of the poor of the Totnes Union, in the county of Devon, in the writ hereunto annexed mentioned, do most humbly certify and return to our sovereign Lady the Queen, &c., that the order in the said writ mentioned under the hands of T. K. and H. P, in the said writ mentioned, was and is in the words and figures following, that is to say—

“Devon, to wit. To the guardians of the poor of the Totnes Union. Whereas, by an act, &c., 4 & 5 Will. 4. c. 76, intituled, &c., it is among other things enacted (1), ‘That in any union which may be formed under the said act, it shall be lawful for any two of his Majesty’s Justices of the Peace usually acting for the district wherein such union may be situated, at their just and proper discretion, to direct by order under their hands and seals that relief shall be given to any adult person who shall from old age or infirmity of body be wholly unable to work, without requiring that such person shall reside in any workhouse: Provided always, that one of such Justices shall certify in such order, and of his own knowledge, that such person is wholly unable to work as aforesaid; and provided further, that such person shall be lawfully entitled to relief in such union, and shall desire to receive the same out of a workhouse.’ And whereas Elizabeth Pering, widow, an adult person, of the parish of Berry Pomeroy, in the said county of Devon, cometh this day personally before us, Thomas Kitson, clerk,

(1) 4 & 5 Will. 4. c. 76. s. 27.

and Henry Cranmer Marsh Phillips, whose hands and seals are hereunto set, two of her Majesty's Justices of the Peace, acting in and for the county of Devon, and usually acting at Paington, *within the district of the Totnes Poor Law Union*, in the said county, and complaineth to and informeth us, the said Justices, that she, the said Elizabeth Pering, is aged seventy-seven years and upwards, and that she is the widow of Peter Pering, labourer, deceased, and from old age and infirmity of body she is wholly unable to work; that her place of residence is in the parish of Berry Pomeroy, in the county of Devon, and in the Totnes Poor Law Union, and she is lawfully entitled to relief therefrom; that she has been in the receipt of out-door relief as a pauper of the said parish of Berry Pomeroy for several years prior and up to or about the month of May last, when the said relief, amounting to two shillings and a loaf per week, was discontinued, as she was informed and believed; and a workhouse order was thereupon directed by the guardians of the said union to be given to her, and the said order was offered to her by a relieving officer of the said union, and she declined to avail herself of the said workhouse order, from a dislike to live in the union house; and the said guardians had refused and still do refuse to give, grant or order her relief out of the said workhouse, and she desired to receive relief out of the said house; that she, the complainant, had been for many weeks past supported by the charitable contributions of the inhabitants in the neighbourhood in which she was living, and she had no means or resources whatever of her own to support herself, and therefore the said complainant prayed for justice in the premises, and that an order may be made on the guardians of the said Totnes Poor Law Union to grant her relief out of a workhouse. And whereas proof hath been this day taken before us, upon oath, in support of the said complaint, and it doth appear to us, the said Justices, that the said Elizabeth Pering is from old age wholly unable to work, and that she hath desired and doth desire to receive relief out of a workhouse, and that the said Elizabeth Pering is lawfully entitled to relief in such union, and desires to receive the same out

of a workhouse; and that you, the said guardians of the said Totnes Union, have refused and continue to refuse to give, order and grant unto the said Elizabeth Pering relief out of a workhouse: and whereas proof hath also been made, upon oath, this day, before us, that the said Elizabeth Pering is lawfully entitled to relief in the said union; and I, the said Thomas Kitson, Justice of the Peace, do hereby certify of my own knowledge that the said Elizabeth Pering is from old age wholly unable to work; we, therefore, the said Justices, whose hands and seals are hereunto set, in pursuance of the said statute in that case made and provided, do direct by this our order, you, the said guardians of the poor of the said Totnes Union, forthwith to give relief to the said Elizabeth Pering, without requiring that the said Elizabeth Pering shall reside in any workhouse. Given under our hands and seals the 22nd day of August, in the year of our Lord 1844.

" Thomas Kitson (L.S.)

" H. C. Phillips." (L.S.)

" And we, the said guardians, do further most humbly certify to our sovereign Lady the Queen, that no summons or warning was issued by the said Thomas Kitson and Henry Cranmer Marsh Phillips, or either of them, or by any other Justice of the Peace, to us the said guardians, or to the churchwardens and overseers of the poor of the parish of Berry Pomeroy, in the said writ mentioned, or to any or either of them, requiring us, the said guardians or the said churchwardens and overseers, or any or either of them, to appear before the said Thomas Kitson and Henry Cranmer Marsh Phillips, or any other Justices, to answer the complaint of the said Elizabeth Pering, in the said writ and in the said order mentioned, or to attend the hearing of the complaint in the said order mentioned; and that the said hearing of the said complaint in the said order mentioned was had, and the said proof and evidence in the said order mentioned was taken, and the said order was made by the said Thomas Kitson and Henry Cranmer Marsh Phillips, without any summons first issued by them or either of them, or by any other Justice of the Peace, to us, the said guardians, or to the said churchwardens and overseers of the

said parish of Berry Pomeroy, or to any or either of them, touching or concerning the said complaint of the said Elizabeth Pering; and that neither we, the said guardians, nor the said churchwardens and overseers, or any or either of them, were ever summoned or required by any Justice of the Peace to attend the hearing of the said complaint or to answer the same; nor were we, the said guardians or the said churchwardens and overseers, or any or either of them, present at the making of the said order, or at the taking of the evidence on which the same was made, nor any person on their or our behalf. And we, the said guardians, further most humbly certify to our sovereign Lady the Queen, that the said parish of Berry Pomeroy is a parish duly maintaining its own poor, and having churchwardens and overseers of the poor, and that for the present year of office, and at the time of the making of the said order, Thomas Tracey and Lawrence Lezard were and still are the churchwardens, and George Ford and John Turpin and William White the overseers of the poor, respectively and duly appointed and acting in and for the said parish of Berry Pomeroy. And we, the said guardians, further most humbly certify that the said parish of Berry Pomeroy, and the several other parishes forming the said Totnes Union, have always been and are distinct parishes for the purposes of settlement, and do not nor at any time did raise in common the necessary funds for the relief of the poor of such union, and that each of the said parishes hath always been and is separately chargeable with and liable to defray the expense of its own poor, whether relieved in or out of the workhouse of the said union; and we, the said guardians, further most humbly certify that we, the said guardians, both before and since the making of the said order by the said Thomas Kitson and Henry Cranmer Marsh Phillips, did offer relief to the said Elizabeth Pering, in the workhouse of the said Totnes Union, but such relief was refused by her. The answer," &c.

Demurrer by Elizabeth Pering, and joinder.

*Watson* (Greenwood was with him), in support of the demurrer.—The principal

objection raised to the order by the return is, that no summons was issued by the Magistrates to the guardians or to the overseers; but this is a matter entirely *ex parte*. No doubt the party must be legally settled in some parish in the union; but the order with respect to this sort of relief merely rests on the fact of the incapacity of the party, and that the Magistrate is to certify of his own knowledge. It is also objected that the order should have been on the overseers. The 27th section only uses the word "direct," without saying who are to be directed; but the 54th section throws the duty of relief on the guardians.

*Montague Smith*, *contra*.—As to the second point, the immediate giving of relief is the duty of the overseers, even by the 54th section; and the legislature, in the 27th section, may have meant to substitute the Justices for the guardians. This view is corroborated by section 95; the 54th section also excepts cases where Justices order relief.

[PATTESON, J.—There appears to be some difficulty as to the fixing the amount of relief to be given; no discretion is given to the overseers, and if the Magistrates are right in making the order on the guardians, the discretion is in their hands.]

The first objection is at all events fatal; whether the order was rightly made on the guardians or not, neither they nor the overseers were summoned. The order ought to find, as is done here, that the party is entitled to relief in the particular union; it therefore affects the interest of parties who had no opportunity of opposing it, or of being present when it was made. The principle is laid down in *Painter v. the Liverpool Oil Gas Company* (2), and is not confined to convictions. Whenever a charge of any kind is to be imposed either on individuals or bodies of persons, they ought to be summoned.

[COLERIDGE, J.—How could the guardians be summoned?]

The relieving officer might attend. This burden will ultimately fall on a particular parish.

(2) 3 Ad. & El. 438; s. c. 5 Law J. Rep. (N.S.) M.C. 108.

[WILLIAMS, J.—I observe that the old form of orders of relief recite that the overseers had been summoned.]

The summons is made necessary by statute.

Various other objections were taken to the form of the order.

LORD DENMAN, C.J.—I think the principle on which the first objection is founded ought to prevail. The object and nature of this order is to affect in some way the interest of the parties on which it is made, and in a matter of which they have knowledge. It is true that there is the certificate of the Magistrate, that, of his own knowledge, the poor person is unable to work. But it might be that those well acquainted with her might at once have satisfied the Magistrate that she was a mere impostor, within their own knowledge. This principle has been adopted in other cases; and I think a summons was necessary, though it may not be in terms required by the particular act of parliament on which the order is founded.

PATTERSON, J.—I think that it is most important to adhere to the principle laid down by my Lord, and that there should have been a summons on the overseers or guardians. I wished to know how the law stood before the late act, and I find there is a statute, 9 Geo. 4. c. 7, which directs by s. 1, that no Justice shall order relief to any poor person until oath be made before him of some matter which he shall judge to be a reasonable cause, &c., “and until such Justice hath summoned two of the overseers of the poor to shew cause why such relief should not be given.” If that course was directed by law before the late act, certainly these extraordinary powers should not have been exercised by the Justices in this case without bringing the parties before them.

WILLIAMS, J.—It certainly is a safer rule to abide by the principle, which is still the same, whatever the amount by which the interest of the parish is likely to be affected may be. I think there should have been a summons on the overseers before the order was made.

COLERIDGE, J.—The principle to which we adhere is a most salutary one, that when-

ever the interests of any person or body of persons is likely to be affected by a proceeding of this nature, they ought to be summoned to attend it. In this case the order was compounded of two important matters: first, the settlement; secondly, the inability of the party to work. We cannot but see that to a certain extent the question of settlement was involved. As to the second question, either the certificate of the one Magistrate is sufficient, or both should be satisfied of the fact of inability; and in that case, evidence would be necessary as to the one who is to be so satisfied. In either case, I think it ought to be open to the parish to contest the fact, for, even if personal knowledge only is sufficient, still the matter must be open to such light as may be thrown upon it; and, at all events, if imposture was proved, then the Magistrate might be prevented from issuing his certificate.

*Judgment for the defendants.*

BAIL COURT.  
1845.  
June 2, 9.

THE QUEEN v. THE JUSTICES  
OF LINDSEY.

*Certiorari—Appeal—Statute, Construction of.*

*By a local act it was enacted, that no proceedings in pursuance of the act should be removed by certiorari: this clause followed immediately after several others relating to summary proceedings before Magistrates. By a subsequent clause, an appeal to the Quarter Sessions was given to parties aggrieved by the decision of the commissioners under the act:—Held, that the clause taking away the certiorari applied to all proceedings under the act, whether on appeal or otherwise.*

A rule *nisi* had been obtained for a *certiorari* to remove an order of Quarter Sessions, which was made on an appeal against an assessment made by the Fen Courts under stat. 6 & 7 Vict. c. lxxvi. (local and personal, public,) “An Act for draining, embanking, and improving the fen lands and low grounds within the parishes, ham-



lets, townships, or places of Bardney Southrow, otherwise Southry, Tupholme, Buchnall, Horsington, Stixwould, Edlington, and Thimbleby, in the county of Lincoln." The act contains several clauses relating to summary convictions before Magistrates, immediately following which is section 158, by which it is enacted, "that no proceeding in pursuance of this act shall be quashed or vacated for want of form, nor shall the same be removed, by *certiorari* or otherwise, into any of the superior courts." Section 161. enacts, "that if any person shall think himself aggrieved by the rating or taxing of the said fen lands or low grounds, or by any other act of the said commissioners, or by any determination or adjudication of any Justice under the provisions of this act, he may appeal to the General Quarter Sessions for the parts of Lindsey, in the said county of Lincoln."

*Wildman* shewed cause.—There can be no removal of any proceedings under the act by *certiorari*, as the clause taking it away applies to proceedings upon appeal as well as to summary convictions.

The COURT then called upon—

*Willmore*, in support of the rule.—The clause taking away the *certiorari* applies only to the proceedings before Magistrates; in all acts where proceedings on appeal are intended to be affected, the clause taking away the *certiorari* is subsequent to the appeal clause, and the word "proceeding" is always connected with "orders." Very express words are necessary to take away a *certiorari*. In the 7 & 8 Will. 3. c. 6. s. 7, (Recovery of Small Tithes Act,) an appeal is given to the Sessions, who are to reverse or affirm the judgment of the Justices; and the same clause subsequently enacts, that no proceeding or judgment shall be removed by *certiorari*. In the Malicious Trespass Act, (7 & 8 Geo. 4. c. 30,) the words are "no proceedings or adjudication of the Sessions thereon:" that shews that the word "proceeding" will not include a judgment of the Quarter Sessions.

[WIGHTMAN, J.—Supposing section 158. had followed section 161, or the very first clause of the act had enacted that no pro-

ceeding had, pursuant to the act, should be removed, would that have made any difference?]

That might have altered the case; but it is contended, that being placed where it is in this act, the clause has something definite to apply to, and its operation ought not to be extended. If the construction of the act is at all doubtful, the *certiorari* ought not to be taken away.

*Cur. adv. vult.*

WIGHTMAN, J.—The question raised in this case was, whether the order of Sessions made upon an appeal by the party aggrieved against an assessment by the commissioners, under a local act, the 6 & 7 Vict. c. lxxvi, is removable by *certiorari*, which depends upon whether the clause of that act taking away the *certiorari*, applies to proceeding on appeal at Quarter Sessions. Section 158. enacts, that no proceedings in pursuance of the act shall be quashed or vacated for want of form, or be removed by *certiorari* or otherwise. This clause in the act comes after others which relate to summary convictions before Magistrates, and before the clause giving a right of appeal to a party aggrieved by the acts of the commissioners. It was contended, that the clause taking away the *certiorari* must, from this collocation, have been intended to apply only to those cases where the proceedings were taken in a summary way before Magistrates, and that it did not apply to proceedings on appeal to the Quarter Sessions. But on a review of the act, it appears to me that the clause must be considered as being applicable generally to all proceedings taken under the act without distinction, for otherwise this anomaly would happen, that an order might be removed against which there had been an appeal, but one against which there had been no appeal would not be removable. For this reason it appears to me, that the intention of the legislature was to take away the *certiorari* equally in the two cases; and, therefore, the rule for a *certiorari* must be—

*Discharged.*

1845. } THE QUEEN v. MORTLOCK AND  
May 22. } OTHERS.

*Order of Sessions—Indictment for disobeying—Service—Notice—Evidence.*

*An order of Sessions was made for dismissing an appeal against a rate, and that the appellants, "upon service of the said order or a true copy thereof, should pay the respondents the sum of 91l. 9s. 10d. for their costs and charges by reason of the said appeal." An indictment for disobeying this order stated, that a true copy of the said order was, on &c., served on the defendants, and that they then and there had notice of the said order:—Held, on motion in arrest of judgment, that such statement was sufficient.*

*Held, secondly, that such allegation was sufficiently proved by proof of service of a copy of a formal document, containing the terms of the order drawn up from the minutes of the Sessions, such document being shown to the defendants at the time of service.*

*Held, thirdly, that no notice to produce such copy was necessary.*

*Held, lastly, that it was no objection to the order that the amount of the costs was inserted in it, at an adjournment of the Sessions, on a day subsequent to that on which the order was made; as both parties must be taken to have assented that the exact amount of costs should be fixed at a day subsequent to the making of the order.*

The indictment charged that on the 1st of October, A.D. 1842, at &c., a rate was made for the relief of the poor of the parish of W, and that the defendants afterwards, and more than ten days before the commencement of the Quarter Sessions, gave notice, in writing, to the churchwardens and overseers of the poor of the parish of W, of their intention to enter and prosecute an appeal against the said rate at the sessions, and of the causes and grounds of their appeal; and that on &c., before &c., being the next sessions, the appeal was entered, and came on for trial and was determined; and that, upon hearing counsel, &c., the Court dismissed the appeal and confirmed the rate, and did order that the defendants immediately "upon service of the said order, or a true copy thereof," should pay unto the

churchwardens and overseers of the poor of the said parish of W, the sum of 91l. 9s. 10d., for their costs and charges by reason of the said appeal (*prout patet*, &c.) The indictment then alleged that the sum of 91l. 9s. 10d. so ordered to be paid by the defendants to the said overseers, &c., for their costs and charges, was a reasonable sum for such costs and charges; and that a true copy of the said order was afterwards, to wit, on the 29th of May A.D. 1843, personally served on each of them, the said defendants, and each and every of them had notice of the said order, and of the contents thereof, and were then and there requested to obey the same, as therein mentioned, and to pay the said sum of 91l. 9s. 10d. to the said churchwardens, &c., for their costs, &c.; yet the said defendants did wilfully and contemptuously neglect and refuse, &c.

There were several other counts in the indictment, varying the statement in the inducement, but all alleging the making of the order of Sessions, the service on the defendants, and their refusal to pay the costs, in the same manner.

Plea—Not guilty.

At the trial, before Lord Abinger, C.B., at the Summer Assizes for Cambridge, 1843, the minutes of the Sessions of the 6th of January 1843, in which was entered, in the usual way, the dismissal of the appeal with costs and their amount, were put in; and the following document, drawn up on parchment, was also given in evidence:—

"Cambridgeshire, to wit.—At the General Quarter Sessions of the Peace of our Sovereign Lady the Queen, holden at the County Courts, on Friday the 6th day of January, in the 6th year &c., before &c., and other their companions, Justices &c.

"Robert Mortlock, Luke Staples, James Wing Dennis and John Dennis, appellants; and

"Churchwardens and Overseers of Wicken, respondents.

"This day an appeal was entered by Robert Mortlock, L. S. J. W. D. and J. D., against a certain rate or assessment made for the poor of the parish of Wicken, in the county of Cambridge, and bearing date the 31st of October last; and, now upon hearing counsel and allegations on both sides, and the evidence produced, this Court doth dismiss the said appeal, and doth confirm

the said rate or assessment so made as afore-said; and doth order that the said R. M, L. S, J. W. D. and J. D, *immediately upon service of this order or a true copy thereof*, do pay unto the said churchwardens and overseers of the poor of the said parish of W, the sum of 91*l.* 9*s.* 10*d.*, for their costs and charges by reason of the said appeal.

"By the Court,  
"Christopher Pemberton,  
"Clerk of the Peace."

The order for dismissing the appeal, with costs, was made on the 6th of January; yet it was merely entered at the time in the minute book as an appeal dismissed with costs, without any sum being mentioned as the amount of the costs. The costs were taxed subsequently by the clerk of the peace, at his own office, and the amount reported to the bench of Magistrates at a Sessions, which was an adjournment of the Sessions of the 6th of January, and the amount then entered in the minutes. It was proved by a witness that he served a true copy of the parchment order above set out on each of the defendants, at the same time reading over to each of them a verbatim duplicate copy on paper of the parchment order.

It was objected, at the trial, that no notice having been given to the defendants to produce the copy served on them, secondary evidence could not be given of the contents of it; secondly, that the order itself was irregular and void, as it did not appear that the Magistrates present at the time the costs were allowed were the same as those who were present on the first occasion; thirdly, that there was no proof that this order or any copy of it was served, the order being, in fact, the entry in the minute book of the Sessions, of which that which was served was not proved to be a copy, and that that minute book itself was not produced to or read over to the defendants at the time of service. Lastly, it was objected that no notice had been given to the defendants to attend the taxation of costs; in reference to which objection, it was stated by the clerk of the peace that he gave each party an opportunity of attending, and made some statements about letters which he had written. No letters, however, were produced, nor was there any evidence of notice to produce them.

Lord Abinger, C.B., refused to stop the case, but reserved leave to the defendants to move to enter a verdict for them, and they were all found guilty.

*Gunning*, accordingly, obtained a rule nisi for entering a verdict for the defendants, or for a new trial, on the above objection, or for arresting judgment on the ground of the objections taken to the form of the order itself; and, on this point, in moving for the rule, he cited *The King v. Smithies* (1), *Reed v. Deere* (2), *Garden v. Cresswell* (3), *The King v. Alnwick* (4).

*Byles, Serj.* and *Worledge* shewed cause. —The indictment alleges service of a true copy of the order, and notice of the order itself. There was clearly no occasion to give notice to produce the copy, and if the defendants had notice of the order it is sufficient. The minute book of Sessions, which, in fact, contained the original order, could not be carried about to be exhibited to the parties—*The King v. Yeoveley* (5), *Alivon v. Furnival* (6). The order is part of the judgment—*The Queen v. Stoke Bliss* (7); and it was, in fact, made in open court, after hearing both sides, so that there was in effect notice to the defendants independent of the service of the copy of the order. There has been no case in which the indictment has contained an allegation of the service of the original order. In *The King v. Wade* (8) there was only the allegation that the defendants had notice of the order. The same form was adopted in *The King v. Gilkes* (9), *The King v. Gash* (10). In *The King v. Soper* (11), and *The Queen v. Crossley* (12), it was held sufficient to allege a due sending of the copy of an order. The cases referred to in moving for the rule were

- (1) 3 Term Rep. 351.
- (2) 7 B. & C. 261.
- (3) 2 Mee. & Wels. 319; s.c. 6 Law J. Rep. (n.s.) Exch. 84.
- (4) 5 B. & Ald. 184.
- (5) 8 Ad. & El. 818; s.c. 8 Law J. Rep. (n.s.) M.C. 9.
- (6) 1 Cr. M. & R. 277; s.c. 3 Law J. Rep. (n.s.) Exch. 241.
- (7) *Ante*, p. 161.
- (8) 1 B. & Ad. 861; s.c. 9 Law J. Rep. M.C. 113.
- (9) 8 B. & C. 439; s.c. 6 Law J. Rep. M.C. 118.
- (10) 1 Stark. N.P.C. 441.
- (11) 3 B. & C. 857.
- (12) 10 Ad. & El. 132; s.c. 8 Law J. Rep. (n.s.) M.C. 81.

cases of attachment. The case of *The King v. Kingston* (13) may, perhaps, also be cited on the other side. In that case the question turned on the want of any service on some of the defendants. Then, secondly, as to the question of notice to produce. The proceedings themselves are in the nature of notice—*Colling v. Treweek* (14), *How v. Hall* (15), *Jolley v. Taylor* (16); and the notice cannot be put upon a higher ground than a duplicate original. The indictment distinctly alleges the receipt of a copy of the order. Then, thirdly, it is said that the Magistrates who composed the adjourned Sessions were not the same as those who were present at the original Sessions.

[LORD DENMAN, C.J.—We cannot inquire into that question. We must take it to be the same Sessions, but adjourned.]

And the Court will not look out of the order itself. In *The King v. Mitton* (17) Lord Mansfield says, "The foundation of the indictment is the order of Sessions." Nothing appears to shew they had no jurisdiction, and until the order is reversed it ought to be obeyed. We cannot hear objections to the conviction which do not appear on the face of it, on a motion in arrest of judgment, for disobeying the order made on it."

[COLERIDGE, J.—Suppose only one Magistrate were present?]

Even then it could not be taken as an objection to the indictment. The proper course would be to quash the order, in which case, perhaps, the Court would receive affidavits as to the constitution of the Court—*The King v. Gilkes* (18).

[COLERIDGE, J.—The objection, if it amounts to anything, goes to the jurisdiction.]

In *Sellwood v. Mount* (19) it was held, that the proper course was for the Sessions to direct their officer to tax, and then to adopt the taxation as their own act. The whole Sessions are in fact but one day, and

as the clerk of the peace cannot tax the costs while the business is going on, some adjournment is necessary. As to the objection that there was no notice of taxation, the answer is, first, the Court will not look out of the order; secondly, the Court of Quarter Sessions has no machinery for taxation, and whatever has been done must be taken to have been the act of the Court.

*Prendergast and Gunning*, contra.—The only contempt alleged in the indictment is got at by reason of the defendant being found to have been served with a true copy of a particular document; but the indictment in substance only states that they were served with a copy of the order, and so had notice of the original. If notice of the order alone had been stated, it might be taken that the original was shewn them. Then, as to the service: whatever the original was, there was the service of the copy of a copy. In *The King v. Alnwick*, Lord Tenterden says, that the service of an order can only be by the delivery of the order itself, or by the delivery of a copy, and at the same time producing the original.

[PATTESON, J.—How could they produce that which was in the hands of the Court?]

The case of *The King v. Yeoveley* is in the defendant's favour, as it is not pretended that the minute book of the clerk of the peace was shewn or produced. The document furnished by the clerk of the peace was not proved to be a copy of the minutes. It comes to this: if the minute book was the original, we have had no copy of that; if the minute book was not the original, we have had no copy of anything shewn to be an original order. Then, as to the taxation, the parties should have had notice of it. It took place behind the backs of the defendants, and was irregular and void within the principle of *Painter v. the Liverpool Gas Company* (20), *The Queen v. Hughes* (21), and that class of cases. The clerk of the peace had no authority to insert the sum without hearing the parties.

LORD DENMAN, C.J.—The first question is, whether there is any ground for arresting the judgment, by reason of what is said to be

(13) 8 East, 41.

(14) 6 B. & C. 394; s.c. 5 Law J. Rep. K.B. 132.

(15) 14 East, 274.

(16) 1 Campb. 143; and see *Gory v. Orchard*, 2 Bos. & Pul. 39.

(17) 3 Esp. 200, n.

(18) 3 Car. & Pay. 52.

(19) 1 Q.B. Rep. 730; s.c. 10 Law J. Rep. (N.S.) M.C. 121.

(20) 3 Ad. & El. 433; s.c. 5 Law J. Rep. (N.S.) M.C. 108.

(21) *Ibid.* 425; s.c. 5 Law J. Rep. (N.S.) M.C. 45.

the insufficiency of the allegation of the service of a true copy of the order. It seems to me to be a perfectly sufficient allegation. Upon the authorities, indeed, we should hold that an allegation of a refusal to pay, upon notice of the order, would be sufficient. An allegation which, in fact, might be translated into the same words, must, therefore, be sufficient, whether we take the minute book of the Sessions, or the parchment document which was afterwards drawn up, to be the order. Then, on the question of evidence, I really see no difficulty. At the time of service the party serving shews that which he calls the original order, and which is, in fact, proved to be a true copy of the order. To call for notice to produce the copy served would be to call for a proof of notice to produce a notice. The only remaining objection is to the order itself, and I think the order is good. There was a judgment by the Sessions that the appeal should be dismissed, with costs; and an order that the appeal should be dismissed, and that the appellants should pay such costs as the officer of the court should direct, would clearly be good. Then, if the taxation by the officer upon such an order was *ex parte*, it might be bad, but that cannot be said to have been the case here. Mr. Pemberton says that he wrote to each of the parties, in order to give them an opportunity of attending. We are not now upon the objection that no letters were produced. Had such an objection indeed been persisted in, other evidence would probably have been given to remove it. The general statement of notice must therefore stand, though this particular piece of evidence might be liable to objection. There being a dismissal of the appeal, it must be taken that the parties had consented to let the actual amount of the costs they were liable to pay be inserted at a future day. If there were anything irregular in the conduct of the officer, that would be a good ground for inquiry; but that is not suggested.

PATTESON, J.—I am of the same opinion. The statement made by the clerk of the peace removes the objection as to the conduct of the taxation. As to the indictment, it is said that the original order should have been alleged to have been shewn; but, in fact, a statement of the service of a true

copy is a statement of that which is in terms a compliance with the order. I do not pretend to say which was the order, the minute book or the other document; and it is said that there was no copy of the minute book; but there is nothing to shew that the document shewn to the witness was not so, and, indeed, it is sworn to be a true copy. Then, as to the question of notice. The fallacy lies in supposing that the copy served amounted to anything more than notice. This is not a question of secondary evidence—no secondary evidence was given. That which was left with the defendants was not the original; that was, in fact, produced at the trial. If it is said that notice ought to be given to prove that certain pieces of paper were notices, then it comes back to the question of giving a notice to produce a notice.

WILLIAMS, J.—I think the question of the evidence is clear, whether the minutes or that which was handed out be considered the original document; and there is no third supposition. The witness most probably meant that which was furnished by the clerk of the peace; and then the question would be, whether a notice to produce a notice is necessary; which it clearly is not. As to the adjudication of the costs, the objection made is, that it was behind the backs of one of the parties; but that objection is only got at by deserting the report. Mr. Pemberton says he gave both parties an opportunity of attending; and, as my Lord has suggested, if the evidence was objected to, other evidence of this fact might have been supplied. Then it seems to me that the indictment is clearly sufficient, as it alleges service in the terms of the order.

COLERIDGE, J.—The objection to the order of Sessions is entitled, I think, to no weight. It is the judgment of the Court, not like an order of individual Magistrates. The only question on which I have entertained any doubt is the question of jurisdiction. You must take the order to have been made at the adjourned Sessions; and I certainly doubt much whether the adjourned Sessions could have made an order for costs in respect of matters heard at the original Sessions. You may, indeed, look to see whether the Magistrates who heard the second matter are the same as those who

heard the first. But, in this particular case, on referring to the Judge's notes, it is clear that this is an order made subject to a future taxation, and we must take the whole matter to have been disposed of by consent; and no objection having been taken (and it does not appear that any was taken), that which was done with respect to the taxation must be considered as having been assented to by all parties.

*Rule discharged.*

1845. } THE QUEEN v. WILLATTS, ESQ.,  
May 24. } AND ANOTHER.

*Settlement—Certiorari, Who may move for—Time of Appeal—Coming to inhabit.*

*The rule that a certiorari to remove an order for the purpose of quashing it, ought not to issue until the time for appealing against the order has expired, applies only where the certiorari is prayed for by the party in whose favour the order is made.*

*A statement that the paupers "have intruded themselves into the parish, and have become chargeable to the same," is not a sufficient statement of their having come to inhabit, to justify an order of removal.*

*Pashley*, in Easter term (April 24), had obtained a rule *nisi*, on behalf of the parish of Beckington, for a writ of *certiorari* to remove into this court, for the purpose of quashing it, an order of two Justices of the borough of Reading, dated the 18th of January 1845, for the removal of Jane Cresswell and her five children from the parish of St. Giles's, Reading, to the parish of Beckington, Somersetshire. Several objections were taken to the order, among others, that it did not shew a "coming to inhabit" by the paupers in the removing parish, within the statute of Charles II. The order stated, that the paupers "have lately intruded and come into the said parish of St. Giles, and have become actually chargeable to the same."

*Carrington* now shewed cause.—It appears from the affidavits that the paupers have not yet been removed in pursuance of the order. The removal, whenever it takes place, may be treated as the grievance, and the appeal be made to a future sessions.

The writ of *certiorari* ought not to issue when the time of appeal is not yet past. Though this is no objection to the issuing of a *certiorari*, when the time for appealing is not limited, yet when there is a limit to the time for appeal, no *certiorari* ought to issue till that time has expired—*Reg. Gen. Pasch.* 1 Anne (1), *The King v. Harman* (2), *The King v. Houlditch* (3), 2 *Nolan's Poor Law*, 587.

[LORD DENMAN, C.J.—The rule in *Sal-keld* does not apply here. It applies only to cases where the party in whose favour the order is made, seeks to remove it by *certiorari*, and it was established that the party against whom an order is made, might not lose his privilege of appeal.]

Then as to the objection to the order. The statement, that the paupers have intruded and become chargeable, is equivalent to an allegation that they have come to inhabit—*The King v. Binegar* (4).

[COLERIDGE, J.—There the words were, that the paupers had "come and intruded themselves into the parish, endeavouring there to settle as its inhabitants, contrary to law." The latter words are not in this order. The paupers here may have been casual poor for aught that appears.]

The word "intruded" negatives the idea of their being casual poor.

LORD DENMAN, C.J.—We cannot give to that word the virtue you contend for, and the objection cannot be got over. The other point does not arise here, for the party is not, as in the cases cited, applying to quash his own order. The rule must be absolute.

The rest of the Court concurred.

*Rule absolute.*

BAIL COURT. } THE QUEEN v. MILNER, CLERK,  
1845. } AND ANOTHER.  
June 11. }

*Poor Law—Bastard*—8 *Vict. c. 10*.—*Jurisdiction.*

*An order of affiliation, made at petty sessions, under 7 & 8 Vict. c. 101, recited that*

- (1) 1 Salk. 147.
- (2) And. 365.
- (3) 2 Bott, 753, 856.
- (4) 7 East, 377.

*application for a summons on the putative father of the child had been made by the mother "to J. M., one of her Majesty's Justices of the Peace, usually acting in this division."*—*Held, that the jurisdiction of the Justice sufficiently appeared, as the words "in" and "for" are used synonymously in the forms in the schedule to the 8 Vict. c. 10.*

*Bliss* had obtained a rule in Easter term (May 7th, 1845) to shew cause why a *certiorari* should not issue, directed to Joseph Milner, clerk, and William Hopes, Esq., two of the Justices of the Peace for the county of Westmoreland, commanding them to return into this court the following order, made under their hands and seals, in order that it might be quashed:—

"Westmoreland, to wit.—At a petty session of her Majesty's Justices of the Peace for the county of Westmoreland, holden in and for the division of East Ward, in the county of Westmoreland, at the Shire-hall at Appleby, in the said county, on the 18th of January 1845, before us, Joseph Milner, clerk, and William Hopes, Esq., two of her Majesty's Justices of the Peace for the said county. Whereas, one Rebecca Blackett, single woman, residing at Street House, in the parish of Warcop, within this division, did, on the 9th of January 1845, having been delivered of a bastard child within twelve calendar months prior thereto, make application to Joseph Milner, clerk, one of her Majesty's Justices of the Peace, *usually acting in this division*, for a summons to be served upon one John Gregson the younger, of Warcop aforesaid, whom she alleged to be the father of the said child; and the said Justice thereupon issued his summons to the said John Gregson the younger, to appear at a petty sessions to be holden on this day for this division to answer her complaint touching the premises. And whereas, &c.

(Signed) "Joseph Milner, (L.S.)"

"William Hopes, (L.S.)"

The objection to the above order was, that it did not appear that the Justice, to whom application was made, had any jurisdiction to issue a summons, inasmuch as he was not stated to be a Justice acting *for* the division in which the petty sessions were held.

*Addison* now shewed cause.—The jurisdiction of the Justices, to whom the application was made, sufficiently appears; for it is stated that application was made to a Justice usually acting in the division. In *The King v. Stone* (1), a conviction stating that the defendant was present at the time when the information was read and the witnesses examined, and that when called on for his defence he produced no evidence and did not require further time, was held sufficient, without shewing that he had been summoned to answer. Technical objections of this kind are cured by the recent act, 8 Vict. c. 10, which passed on the day after this rule was obtained (8th of May 1845). Section 1. enacts, "that where any proceedings have been had or taken before the passing of this act, or shall hereafter be had or taken in matters of bastardy, under the provisions of the said recited act (7 & 8 Vict. c. 101), and shall have been set forth according to the forms in the schedule hereunto annexed, or to the like tenour or effect, the same shall be taken respectively to have been and to be valid and sufficient in law."

*Bliss*, in support of the rule.—The order is defective for want of a statement of jurisdiction. The Justice ought to be one acting, "for" the division as well as in it. There is nothing here to shew that he has jurisdiction as a Justice for the particular place in which he acts. The act of 8 Vict. c. 10. only gives the form of the order, but does not dispense with the necessity of shewing jurisdiction.

COLERIDGE, J.—I think the spirit and object of the recent statute, 8 Vict. c. 10, was to cure such technical defects as the present. I do not intend to say that the words "in" and "for" are generally synonymous; but, referring to the forms given in the schedule to that statute, it appears to me that these two words are, for the purposes of this act, used as synonymous, and therefore the objection fails.

*Rule discharged.*

(1) 1 East, 639.

1845. } THE QUEEN v. THE INHABI-  
June 4. } TANTS OF ROTHWELL.

*Settlement—Ground of Appeal—Eman-  
cipation.*

*A ground of appeal setting up a derivative settlement of the pauper in the respondent parish, averred that the pauper's father had never gained any settlement in his own right, and was unemancipated at the time his father (the pauper's grandfather) acquired a settlement in the respondent parish:—Held, that this statement was sufficient to shew a derivative settlement of the pauper in the respondent parish.*

On an appeal against an order of two Justices for the removal of James Hopton, his wife and their eight children, from the township of Rothwell to the township of Shafton, the Sessions for the West Riding of Yorkshire discharged the order, subject to the opinion of this Court upon a case.

The examinations disclosed a settlement in the appellant township of Shafton, of Thomas Hopton, the father of the pauper, by evidence of relief given to his widow, the mother of the pauper, in 1841, and at other subsequent times, while she resided out of the appellant township. The appellants admitted the facts stated in the examinations, but relied upon a previous settlement, alleged to have been acquired by John Hopton, the father of Thomas Hopton, and grandfather of the pauper, and stated the following ground of appeal: "That the said John Hopton, the father of the said Thomas Hopton, and the grandfather of the said James Hopton, in or about the month of May 1806, and for two years thence next ensuing, rented and occupied a house of the yearly value of 20*l.*, and situate at Royd's Green, in your said township of Rothwell, as tenant thereof to one Stephen Elliot, late of Methley, &c.; and the said John Hopton, for more than forty days during his said occupation of the said house, &c., resided and slept in your said township of Rothwell, and the said John Hopton, after the commencement of his said occupation of the said premises, never did any other act or deed to gain a settlement. That the said Thomas Hopton, after his said father John Hopton had gained a settlement in Rothwell, &c., as aforesaid,

and after his said father had resided in your said township more than forty days, whilst he so rented and occupied the said house, &c., as tenant thereof as aforesaid, was an unemancipated member of his said father's (John Hopton's) family, and that the said Thomas Hopton never did any act to gain a settlement in his own right; and that the said James Hopton never did any act to gain a settlement in his own right."

The respondents contended that the above ground of appeal was insufficient, inasmuch as the statement therein respecting the non-emancipation of Thomas Hopton, at the time when the settlement was alleged to have been gained by John Hopton, was not sufficiently averred to shew that Thomas Hopton did derive such settlement from his father, John. The Sessions overruled the objection, subject to the opinion of this Court. If the Court should be of opinion that the above ground of appeal sufficiently averred that Thomas Hopton was unemancipated at the time when the settlement was alleged to have been gained by his father John, so as to enable him to derive such settlement from his father, the order of Sessions was to be confirmed, otherwise the order of Sessions was to be discharged, and the order of Justices confirmed.

*R. Hall*, in support of the order of Sessions.—It is not disputed that the grandfather of the pauper gained a settlement in Rothwell: nor is it disputed that the pauper's father and the pauper himself never gained any settlement in their own right. If the pauper's father was unemancipated when the grandfather gained the settlement, he derived that settlement from the grandfather, and transmitted it to his son, the pauper. And the ground of appeal sufficiently alleges that the father was unemancipated when the grandfather gained the settlement. How could the appellants allege a negative in any other way?—(He was stopped by the Court.)

*Pashley*, contra.—The English law knows nothing of emancipation: the meaning of the term (borrowed from the Roman law,) is vague and uncertain. The appellants ought to have stated the facts on which they rely to shew that the pauper's father derived a settlement from the grandfather. The father may have previously acquired a settlement of his own, and still have been



unemancipated—*The King v. the Inhabitants of Wilmington* (1). There would appear to be some discrepancy between that case and *The King v. the Inhabitants of Bleasby* (2).

LORD DENMAN, C. J.—Whichever be correct, what does it matter? The Sessions have had all the facts before them, and have come to the conclusion that the father had done nothing which emancipated him when the grandfather acquired the settlement. What could the appellants do more in stating a negative? Were they bound to go specifically through all the facts which constitute emancipation, and negative them seriatim? Lord Mansfield and Mr. Justice Wilmot have said, that they did not like the introduction of terms from the Roman law, into the vocabulary of English law (3). However, the term "emancipation" has been long introduced into, and incorporated with our language. This Court understands the meaning of the term, the Sessions understood it, and no doubt the respondents understood the meaning of it, in the ground of appeal, perfectly well; and being language which all parties understood, the Sessions did quite right in holding the ground of appeal sufficient. It never has been held necessary to go through all the modes by which a man is emancipated, and to negative them severally. We might just as well require that instead of stating that a man has never acquired a settlement, parties should go through all the various modes by which a settlement may be acquired, and aver that he never did any of the acts so set out.

PATTESON, J.—The only question here is really, whether the word "emancipation" has any meaning at all. It would be a difficult thing to persuade me that the respondents, who say it is vague and uncertain, could mistake the meaning of it in this ground of appeal, for a single moment.

WILLIAMS, J.—If the meaning of this word be not understood, it certainly is not for want of definitions of it. And I observe that my Lord Kenyon, who knew perhaps as much of this subject as Lord Mansfield, took considerable pains, and not entirely without success, to state the circumstances

which constitute emancipation (4). I suspect that, by this time, parish officers understand the meaning of the word as well as they do that of any other in the language.

COLERIDGE, J.—I entirely agree in thinking the Sessions right. We cannot open any book on the Poor Laws for the last fifty years, without finding the word "emancipation" used over and over again in a well understood meaning.

*Order of Sessions confirmed.*

1845. } THE QUEEN v. THE INHABITANTS OF KENILWORTH.  
June 7. }

*Proof of Documents—Secondary Evidence—Hearsay.*

*Before receiving secondary evidence of the contents of a document on which to found an order of removal, the Justices should be satisfied that there has been a bonâ fide diligent search and inquiry for it in the place where it would most probably be found. This is a question of fact, of which the Justices are the sole judges. And, on such a question, statements made by third parties respecting the document, to the person conducting the inquiry, are properly receivable in evidence.*

On appeal against an order of two Justices for the removal of Charles Dencer, his wife and three children, from Bermondsey to Kenilworth, the Court of Quarter Sessions for the county of Surrey confirmed the order, subject to a CASE, the material parts of which were as follows:—The ground of removal was an alleged settlement of the paupers in Kenilworth, by the apprenticeship of Joseph Dencer, the deceased father of the male pauper. The indenture of apprenticeship was not produced, either before the removing Magistrates or at the Sessions, and the evidence to account for its non-production was somewhat similar on both occasions. The appellants objected, under their grounds of appeal, that there was not sufficient proof to let in the parol secondary evidence of the contents of the indenture, and urged principally that a proper and sufficient search was not proved, and that

(1) 5 B. & Ald. 525.

(2) 3 Ibid. 377.

(3) *The King v. Cold Ashton*, Burr. S.C. 444.

(4) See *The King v. Witton cum Twambrookes*, 3 Term Rep. 355.

the evidence consisted of the mere proof of parol declarations of third parties not upon oath. The objection was taken at the Sessions; first, with reference to the examinations annexed to the order, which it was contended were bad on the face of them, and afterwards on the occasion of the evidence being offered *vidæ voce* by the respondents in the proof of their case. The objection was overruled by the Sessions in each instance, subject to the opinion of the Court. The examinations, so far as they are material to this point, were as follows:—

William Cornwell, upon his oath, saith that upon information obtained from Charles Dencer (the pauper), he, in the month of August 1840, went to the parish of Kenilworth, in the county of Warwick, with the view of obtaining the apprenticeship indenture of Joseph Dencer (the father of the pauper Charles Dencer) from Susannah Dencer, the pauper's mother (in whose custody it was supposed to be); that, on arriving there, he found the said Susannah Dencer was an inmate of Warwick Union workhouse, at the charge of Kenilworth parish; that he went thither and saw the said Susannah Dencer, who stated that on her becoming an inmate of the Kenilworth workhouse, she gave her late husband's apprenticeship indenture to Mr. Squires, the master, and that she had never seen it since. That upon such information he went back to Kenilworth, when he ascertained that Mr. Squires was deceased; that he saw Mr. Squires's widow, who searched her late husband's papers, but could not find the said apprenticeship indenture. On the ex-aminant's return to London, the pauper had ceased to be chargeable, and no further search became then necessary. That, in June 1843, the pauper again became chargeable, and he (Cornwell) in July 1843, went to Kenilworth to make further search after the said apprenticeship indenture; that he again saw Mrs. Squires, who stated that the whole of the papers belonging to the parish of Kenilworth which were in her late husband's possession at the time of his death, she had delivered up to one Mr. William Sutton, the assistant-overseer of that parish. That he (Cornwell) saw the said William Sutton, who acknowledged to having had the papers of the late Mr. Squires; that when he received them he carefully examined them,

but had no recollection of seeing the apprenticeship indenture of the said Joseph Dencer, and had since handed over the papers to Mr. William Hopkins, the present assistant-overseer. That he (Cornwell) waited on the said William Hopkins, who acknowledged having had the papers of the late Mr. Squires from the said William Sutton; that he had carefully gone through them, but had never seen any indenture relating to the said Joseph Dencer. That the said William Hopkins made search amongst the said papers of the late Mr. Squires, while he (Cornwell) waited, but no such apprenticeship indenture could be found. That he (Cornwell) then went to Mrs. Coates, of Tillington, near Leamington, in the said county of Warwick, the widow of the late Mr. Watts, the solicitor who prepared the said indenture, from whom he ascertained her late husband's papers were in the possession of Messrs. Poole & Haymes, solicitors, of Leamington, whose clerk searched the papers of the late Mr. Watts, but without success, as no such indenture could be found. That he (Cornwell) then went to Warwick Union workhouse (where the said Susannah Dencer died, being the person who last had the indenture of apprenticeship of the said Joseph Dencer), when the master and matron stated that no papers of any description were found in the possession of the said Susannah Dencer at the time of her death. That he (Cornwell) has made every endeavour to procure the said apprenticeship indenture, but cannot succeed; and therefore believes the said apprenticeship indenture to be lost or destroyed.

The examination of Charles Dencer, the pauper, stated that his father died in 1835, and that the last time he saw his father's apprenticeship indenture it was in the possession of his mother, in the year 1835.

The examinations then contained secondary evidence of the contents of the said apprenticeship indenture. It did not appear that it was a parish indenture. Similar evidence to that contained in the examinations was given at the trial of the appeal. The appellants, at each stage of the evidence, objected to the admissibility of the parol statements of the different parties, viz., Susannah Dencer, Mrs. Squires, William Sutton, &c., respectively, and also objected to the admissibility and sufficiency of the

parol evidence of the contents of the indenture. The objection was, in each instance, overruled, and the order confirmed, subject to the opinion of the Court.

If this Court should be of opinion that the examinations did not contain, or that at the Sessions there was not given, sufficient legal proof of a proper and sufficient search for, and of the loss of the indenture, or that in the examinations, or at the Sessions, the parol evidence of the contents of the indenture was improperly received, the order of Sessions and order of removal were to be quashed, otherwise to stand confirmed.

*Wallinger*, in support of the order of Sessions.—The evidence was admissible, and if admissible, ample to prove the loss of the document, and to justify secondary evidence of its contents—*Freeman v. Arkell* (1). *The King v. the Inhabitants of Morton* (2), where less evidence was held sufficient, was recognized in *The King v. the Inhabitants of Rawden* (3). In *The King v. the Inhabitants of Castleton* (4), there was hearsay only: here an actual search is stated to have been made. It is not necessary the search should be for the purpose of the cause—*Fitz v. Rabbits* (5).

*Otter*, on the same side, was stopped by the Court.

*W. H. Watson and Bovill*, contra, contended that, upon general principles, hearsay evidence was inadmissible, and that no sufficient proof of search had been given to prove the document destroyed, and to let in secondary evidence of its contents. They cited *The King v. the Inhabitants of Denio* (6).

LORD DENMAN, C. J.—We should be extremely unwilling to come to any decision which could have the effect of making parish officers less careful of documents intrusted to their care, or which would introduce any laxity in the admission of secondary evidence of such documents, before a proper search has been made for the ori-

ginals; but I see no danger of such a result from our saying that in this case the Sessions have come to a proper conclusion. *The King v. the Inhabitants of Morton* lays down this rule, viz., that there is no rule which can be made applicable to each individual case. The question in each case must be, whether reasonable evidence has been laid before the Justices to satisfy them that a *bonâ fide* and diligent search has been made for a missing document, so as to lead them to the reasonable conclusion that it has been either lost or destroyed. Before receiving secondary evidence of the contents of a written instrument, Justices making an order of removal should be satisfied that there has been a sufficient, *bonâ fide* and diligent search for it, in the place where it was most likely to be found. But all these are matters of fact, upon which it is worse than useless to attempt to lay down any general principle of law. To what employment indeed are we bound, if we are to be called upon to decide such matters as these upon the varied circumstances of each individual case? The Court below are bound, as I, sitting at Nisi Prius, should be bound, to exercise a discretion as to whether reasonable evidence has been given to account for the non-production of the instrument; and it is manifest that whether that evidence be sufficient or not, must depend upon the nature of the instrument, the custody in which it was last seen, and a variety of other circumstances, to which it would be impossible to apply an inflexible rule. I cannot forbear from saying, that I think it would have been quite as well if *The King v. the Inhabitants of Denio* had been decided otherwise. I am not satisfied with the distinction taken between that case and *The King v. Morton*; and I think it would have been as well if the Court had held themselves bound by the decision to which the Sessions had come. But it is objected, that these examinations contain hearsay evidence, and that the Sessions received it. True; but it was natural hearsay; hearsay, which was a necessary part of the transaction, a part of the proof that the witness had made a proper and diligent search. And I am distinctly of opinion, that upon such an occasion hearsay is properly receivable. The questions put by the witness in search of the document were put to the proper parties;

(1) 2 B. & C. 494; s. c. 2 Law J. Rep. K.B. 64.

(2) 4 Mau. & Selw. 48.

(3) 2 Ad. & El. 156.

(4) 6 Term Rep. 236.

(5) 2 Moo. & Rob. 60.

(6) 7 B. & C. 620.

and it would be madness not to act upon the answers given to such questions. The Sessions came to the conclusion that those answers, and the searches made in consequence, shewed that the document in question was lost, and I should have come to the same conclusion. Upon the whole, I am satisfied, in the first place, that it would have been sufficient to have stated only that the pauper's mother had given the deed to the master of the workhouse, and that it had never been seen since, and that there was no necessity for going further, and giving any further account of it; but in the second place, I am also satisfied, that what was afterwards stated, in answer to the inquiries of the witness, was properly received in evidence, and that there was quite sufficient to justify the Sessions in receiving secondary evidence of the contents of the deed. I can only regret, in this, as in some other cases, that the Sessions should have thought it necessary to submit their decision upon a question of fact to be reviewed by us. As in the case of a verdict by a jury, unless we could clearly see that they had done wrong, we should not interfere with their decision.

PATTERSON, J.—It is not necessary to say that every word in this examination was receivable in evidence. If there was enough to satisfy the Justices that a proper search had been made, and that the document was lost, evidence of its contents was receivable. No person is living into whose possession the document is traced. The only person in whose possession it is shewn to have been is the pauper's mother; and she is dead. She is applied to, in her lifetime, about it, and she gives an answer, which is clearly receivable in evidence, that she had given it to the master of the workhouse. He, it is to be observed, had no right to it. It was not a parish indenture; it was a mere voluntary act of the woman to hand it over to him. He was simply her agent. Then he is dead, and they go to his widow, and make search for it amongst his papers. True, she is not stated to be executrix, but it appears she had charge of the papers, and there is an actual search made among them, not a hearsay statement about them. Then it appears nobody knows anything more about the deed. This was abundantly sufficient to prove the loss. But if the answer

of Susannah Dencer was not receivable in evidence, and was excluded—what then? Why, it appears the deed was seen last in her possession. An inquiry is made about it from her; and it is not produced or accounted for. The fair presumption from these facts alone would be that it was lost.

WILLIAMS, J.—The question is not, whether there be absolute proof that the document was lost or destroyed, because that proof cannot be given, unless the man be produced who put it in the fire or tore it in pieces, but whether due and reasonable diligence has been used in the search and inquiry for it. The pressure of this case is upon the answer given by Susannah Dencer to the inquiries made of her. If her answer was admissible, then the non-production of the document was sufficiently accounted for. In *The King v. Morton* two answers to somewhat similar inquiries were received by Lord Ellenborough, and upon the same rule and principle it seems to me that the answer of this woman in the present case was admissible.

COLERIDGE, J.—I am of the same opinion. This objection has been argued on principles which do not apply. The question is not to be determined by the strict rule, as to the inadmissibility of evidence of declarations made by persons, who might themselves be called as witnesses. This is a preliminary inquiry for the satisfaction of the Court; and, from the necessity of the case, a less strict rule may, without danger, be introduced, than would be applicable in other cases. The question is, whether there has been a diligent *bonâ fide* search for a document in the proper quarters, so as to satisfy the Court that it has neither been negligently overlooked nor fraudulently kept back. That being so, in every case, all the particular circumstances must be taken into account, to assist those who are to decide the question. In the present case, the document is of little or no value, one in which no one had an interest, and not likely to be preserved with particular care. Suppose the answer of the pauper's mother had been "Yes, I had it; but I burnt it in the presence of so and so," naming ten persons: can it be said that such a declaration would not be admissible, and that those persons must be called as witnesses to prove the fact? She states that she gave it to some

other person, and of that person or his representatives further inquiry is made. As to their not being the legal representatives of the party to whom she gave it, I remember that in a case of great importance in the House of Lords, *The Bishop of Meath v. the Marquis of Winchester*, it was held, that it was unnecessary to search for a document in the place in which, in strictness, the muniments in question should have been kept, but that it was sufficient to prove a search for it in a private collection of papers, because, under the circumstances of the case, that appeared to be the most likely place to find it; and that principle applies to the objection raised here. But let us assume that improper evidence was received. In the case of a trial at Nisi Prius, we grant a new trial if any improper evidence has been submitted to a jury; but we never grant a new trial on the ground that on a preliminary point, which it was for the Judge alone in his discretion to determine, some evidence was received by him, to which an objection may be raised.

*Order of Sessions confirmed.*

1845. }  
May 3. } THE QUEEN v. WILLIAMS.

*Indictment — Statutable Punishment — Conclusion contra formam statuti.*

*Where a statute provides that a matter which was a felony before shall be a felony, and creates a new punishment for every offender guilty thereof, it is not therefore necessary that the indictment should conclude contra formam statuti; and the recording of the statutable punishment, where the indictment does not contain those words is no ground of error.*

The prisoner was convicted on an indictment for stealing a horse, a bridle, and a saddle; the indictment not concluding "*contra formam statuti*;" and sentence of transportation for fifteen years was recorded.

A writ of error having been brought on the judgment,—

*Edwards*, for the prisoner.—If the sentence as it stands on the record is correct, transportation for the same period might be awarded for the slightest felony. The steal-

ing a horse was larceny, at common law; the stat. 7 & 8 Geo. 4. c. 29. s. 25. made it a capital felony; the punishment of death was taken away by 2 & 3 Will. 4. c. 62. s. 1, and by 7 Will. 4. & 1 Vict. c. 90. s. 1. it is made transportation for fifteen years; but suppose the 7 & 8 Geo. 4. c. 29. had been in force, the prisoner might have appeared, by the record, to be sentenced to death, though he might have been only convicted of stealing the bridle. The indictment, not containing the words "against the form of the statute," must be taken to be an indictment at common law, and would apply to the offence of stealing the saddle or bridle alone. In 2 *Hale, P.C.* 191, it is said, "If an offence be at common law, and also prohibited by statute, with a corporal or other penalty, yet it seems the party may be indicted at common law; and though it conclude not *contra formam statuti*, it stands as an indictment at common law, and can receive only the penalty that the common law inflicts in that case;" and further on (p. 192,) he observes, "If perjury be committed that is within the stat. 5 Eliz. c. 9, but concludes not *contra formam statuti*, that is a good indictment at common law, but not to bring the party within the corporal punishment of the statute." If the prosecutor seeks to inflict the statutable punishment, he should not adopt the general form of indictment—*The Queen v. Polly* (1). The question was raised in *The King v. Chatburn* (2), *The Queen v. Radcliffe* (3). In *The King v. Lucy Berry* (4) the question arose, on application to quash the indictment. In indictments under the statute, greater strictness of proof is required, as in *The King v. Puddifoot* (5), where it was held, that an indictment for stealing a sheep, under the statute, was not supported by proof of stealing one ewe. All the precedents conclude *contra formam*. The difficulty might, perhaps, be got over, if it had only been alleged that the prisoner stole the horse.

[PATERSON, J.—Looking at the record, it tells us that the jury have found that the prisoner stole everything mentioned in the indictment.]

(1) 1 Car. & Kir. 77.

(2) 1 Moo. C.C. 404.

(3) 2 Moo. C.C. 68; Stark. C.P. 229.

(4) 1 Moo. & Rob. 463.

(5) 1 Moo. C.C. 247.

[LORD DENMAN, C.J.—Your objection amounts to this, that the indictment is bad, because it does not conclude *contra formam statuti*.]

*M. D. Hill*, *contra*, was not called upon.

LORD DENMAN, C.J.—The question is, whether, where an indictment which charges an offence at common law, and does not conclude *contra formam statuti*, the judgment for the statutable punishment is good. I have never had any doubt on the subject, and have frequently held such indictments sufficient to support the statutable sentence. It is to be remembered that it is the offence which is the subject of the indictment, not the punishment. The unqualified proposition, as quoted from Lord Hale, cannot be considered law.

PATTESON, J.—I never understood that when the offence was one at common law the indictment need ever conclude *contra formam statuti*. It would, no doubt, be so, if the words of the statute created the offence; but, by the particular words of the statute 7 & 8 Geo. 4. c. 29. s. 25. stealing a horse is not made a new offence. In that section several words are introduced, which have no effect whatever as regards the crime of stealing: it enacts, that “if any person shall steal any horse, mare, gelding, &c., or shall wilfully kill any such cattle, with intent to steal the carcase or skin, &c., every such offender shall be guilty of felony, and being convicted thereof, shall suffer death,” &c., and the punishment is altered by the subsequent statutes. It is meant, I suppose, to be contended, that because the statute makes something a felony which was a felony before, namely, stealing horses, &c., the offence is a statutable felony; but that clearly is not so, and the words “shall be guilty of felony” would have no meaning, but for the part of the section which relates to killing, &c. The killing animals, with intent to steal the carcase, was not a felony before the statute, and therefore an indictment for such an offence must contain the words in question.

WILLIAMS, J.—The argument must go the length of contending that, whenever an act of parliament alters the punishment, the allegation of *contra formam statuti* is necessary. That is clearly not so, and Lord Hale, vol. 2. p. 190, in a passage just before that

which has been cited, with reference to the statute of stabbing, 1 Jac. 1. c. 8, and other cases, where a special act of parliament, under certain circumstances, ousts the offender of some benefit (which the common law allowed him) says, “though the body of the indictment must express such circumstances according as they are prescribed in the statute, yet the indictment must not conclude *contra formam statuti*,” and further on, he says, “I have known it held sufficient that the indictment bring the case within the purview of the statute, though it conclude not *contra formam statuti*, for it was felony before, and the statute only takes away clergy.”

WIGHTMAN, J.—The principle is clear, and the authority cited by my Brother Williams is expressly in point.

*Judgment affirmed.*

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1845. }  
June 4. } WHITEHEAD v. THE QUEEN.

*Writ of Error—Sentence of Transportation—Statutable Felony—7 Will. 4. & 1 Vict. c. 90.—Jurors, Description of.*

*A prisoner convicted on an indictment framed under the stat. 7 Will. 4. & 1 Vict. c. 90, for breaking into a dwelling-house, and stealing therein above the value of 5l., was sentenced to seven years transportation:—Held, on writ of error, that the judgment was bad, and that the prisoner was entitled to his discharge.*

*Semble, per Patteson, J., that an indictment which omitted to describe the jurors as jurors of the county, was bad.*

The plaintiff in error was convicted at the York Winter Assizes 1844, before Coleridge, J., upon an indictment framed on the statute 7 Will. 4. & 1 Vict. c. 90, for breaking into a dwelling-house, and stealing therein above the value of 5l. He was thereupon sentenced to be transported for the term of seven years. The caption of the indictment described the Court before which the indictment was found to be commissioned for the county of York, but it stated the presentment by the oath of the grand jurors, “W. R. C. S, C. P, B. R. L,” naming them and their residences, without stating them to be jurors of the county

of York. A writ of error was brought, and the grounds of error alleged were, first, that the indictment did not appear by the caption to have been found by a grand jury of the county of York, in which the offence was charged to have been committed; and, secondly, that the judgment was erroneous, as by the stat. 7 Will. 4. & 1 Vict. c. 90. s. 1, an offender convicted is liable to transportation for any term not exceeding fifteen years, nor less than ten years.

*Bliss*, for the plaintiff in error, was stopped by the Court, who called on—

*Waddington*, for the Crown.—As to the first objection, the whole of the record sufficiently shews that the jurors were good and lawful men of the county. The commission is to inquire, &c., by good and lawful men of the county of York. The venue is “to cause to come good and lawful men of the said county,” and the venue is “Yorkshire, to wit.” Then, the indictment states, that it was by the oath of A, B. and C. &c. presented, &c. It was unnecessary to repeat after their names that the jurors were of the county. But, at any rate, this objection is removed by the stat. 7 Geo. 4. c. 64. ss. 20, 21, which cures not only omissions but even misdescriptions in an indictment. There is no misdescription here; the objection is only that the description is insufficient.

[*PATTESON*, J. — It may possibly be matter of indentment; but I confess I do not see how it can be collected from the record that these jurors were jurors of the county of York.]

As to the other objection, the judgment may be supported. Previous to the stat. 7 Will. 4. & 1 Vict. c. 90, the punishment for stealing in a dwelling-house property of more than the value of 5*l.* was, by the stat. 2 & 3 Will. 4. c. 62. s. 1, transportation for life. That was the only punishment which could be awarded. Now the offender is “liable to be transported for any term not exceeding fifteen years, nor less than ten years.” If the offence were not divisible, the sentence of transportation for seven years could not be maintained. But here the offence of which the prisoner has been convicted includes a simple larceny, for which alone he might be convicted, and of which, in fact, he has been convicted,

with the additional aggravating circumstances, which constitute the whole of the statutable offence. For the simple larceny, therefore, the prisoner might be transported for seven years. The statute says, not that the offender “shall be transported,” but that he “shall be liable to be transported.”

[*COLERIDGE*, J.—Being convicted, he is liable to be transported for any term not less than ten years. Then he is in this predicament, that he is not liable to be transported for seven years. The conviction places him so far in a state of safety, that he cannot be transported for a lesser term than the statute mentions.]

[*PATTESON*, J.—Can any instance be found where a man has been found guilty of the whole offence charged, and the sentence has been for something which the offence includes? Where a jury have found a man guilty of an aggravated statutable offence, for which a specific punishment is imposed, can a Judge throw overboard the circumstances of aggravation, and pass sentence for the lesser crime?]

[*LORD DENMAN*, C.J.—I remember an action tried before Gibbs, C.J., brought against Alderman Wood by a man whom he had sentenced to be imprisoned, and it was contended that the imprisonment was illegal, because the sentence did not direct that he should also be whipped. Gibbs, C.J., said to the jury, “Give the plaintiff the full damages he has sustained by reason of not having been whipped.”]

*The King v. Fletcher* (1) was referred to.

*LORD DENMAN*, C.J.—The question there was, whether the direction as to dissection was part of the sentence or not. Suppose a man found guilty of murder, could he on such conviction be sentenced to six months' imprisonment? Yet that would be a proper punishment for manslaughter, and the indictment for murder includes manslaughter. There can, I think, be no doubt in this case. The Judge has power under the statute only. The statute requires that a person convicted of the offence mentioned in the statute shall be liable to be transported for not less than ten years. The Judge, therefore, could not pass a less sentence than ten years' transportation.

(1) *Russ. & Ry. C.C.R.* 58.

PATTESON, J.—The statute is quite as imperative as the former statute was, or as the statute in case of rape still is, where the party, if transported at all, must be transported for life. I would not be supposed to say that the other objection is not a good one also, for I doubt very much whether the stat. 7 Geo. 4. c. 64. applies to such a case as this, where the grand jurors are not stated to be jurors of the county.

WILLIAMS, J. and COLERIDGE, J. concurred.

*Judgment reversed; prisoner discharged.*

1845. }  
May 28, 31; } THE QUEEN v. HAINES AND  
July 9. } OTHERS.

*Poor Rate, Appeal against—Inequality of Assessment—Oxford Local Act.*

*The Court of Quarter Sessions for the city of Oxford have no jurisdiction to entertain an appeal against a poor-rate, made under the provisions of the local act passed in 1771, for regulating the poor in the city of Oxford, upon the ground that certain occupiers of property have been underrated, or that others have been omitted from the rate altogether.*

This was an indictment against the defendants, for disobedience of an order of the Court of Quarter Sessions for the city and borough of Oxford. On the 7th of January 1843, a rate for the relief of the poor of the parish of St. Michael, in the city of Oxford, was duly published and allowed, in which the rector and fellows of Exeter College were rated in the sum of 3*l.* 15*s.*, upon chambers, &c., situate in Broad-street, and valued at the rateable value of 200*l.* William Hunt, who was rated in the same rate, in respect of his occupation of a house in the same parish, gave notice in writing to Haines and Foster (the churchwardens), and to Thurlow and Walker (the overseers of St. Michael), of his intention to appeal against the rate to the then next General Quarter Sessions for the city of Oxford, on the ground that the rector and fellows of Exeter College were underrated in respect of the year's value of the premises occupied by them, and that they were not assessed in the rate in respect of certain messuages, &c.,

occupied by them in the parish. The appeal was duly heard and determined in April 1843, at the Court of Quarter Sessions for the city of Oxford, before the Recorder, when it was ordered by the Court that the rate should be amended by altering the description of property occupied by and the sum assessed on the rector and fellows of Exeter College. In the amended rate they were assessed for rector's house, chambers, buildings and quadrangles, at the year's rateable value of 1,232*l.*, in the sum of 23*l.* 2*s.* The Court further ordered that the defendants (the respondents in the appeal) should pay to Hunt, the appellant, 304*l.* 3*s.*, the costs of the appeal. A copy of the order was served upon the defendants, who severally refused to pay the sum of 304*l.* 3*s.*, whereupon Hunt preferred a bill at the General Quarter Sessions for the city of Oxford against the defendants, for disobeying the order. The bill was removed by *certiorari*, and came on for trial at the Spring Assizes for Oxford, 1844, when the defendants Haines and Foster were found guilty, and Thurland and Walker not guilty. The facts were directed to be stated in a special case, which was accordingly done; and the first question for the opinion of the Court was, whether the Court of General Quarter Sessions of the Peace for the city and borough of Oxford had jurisdiction to try the said appeal, under the 5 & 6 Will. 4. c. 76. s. 105: if not, a verdict of not guilty was to be entered. There were other objections raised, which are not noticed, as the judgment of the Court proceeded entirely on the ground first stated.

The case was argued in this term (May 28 and 31), by—

*Pigott*, for the Crown; and by—

*Whateley*, for the defendants.

The argument, which turned upon the construction and effect of the local act passed in 1771, for regulating the poor in the city of Oxford, sufficiently appears from the judgment of the Court, which was delivered (July 9th) by—

LORD DENMAN, C.J.—This case was reserved from the Oxford Assizes on several points, one of which only has been argued, and the opinion we have formed upon that makes it unnecessary for us to hear the argument concluded. The question is,



whether the Court of Quarter Sessions for the city of Oxford had any jurisdiction to make the order, for disobedience to which this indictment was preferred, and that will depend on whether an appeal lay to that court against the rate mentioned in the indictment. This rate was certainly in some sense a poor-rate, but it was made under the special powers of the local act which passed in 1771, for better regulating the poor in the city of Oxford. That act gave a specific mode of appeal, and does not give one to the Quarter Sessions. If, therefore, the rate is founded exclusively on this statute, then, as all appeals to the Quarter Sessions must be of express statutory creation, this appeal cannot be sustained; but if the rate can be considered as made under the statute of Elizabeth, modified only in its circumstances or application by the provisions of the local act, then, as the appeal given by the former statute is not taken away expressly or by necessary implication, it may still exist concurrently with that given by the latter; and in this case the appeal might be sustained. To clear this point, many sections of the local act must necessarily be examined.

The general scheme of the statute is to consolidate a number of parishes into one, for the purpose, amongst others, of the maintenance and government of the poor, as to which the overseers and churchwardens of the several parishes are eventually superseded, and a corporation of guardians substituted. By the 25th section it is enacted, "That the churchwardens and overseers of the poor of the said several parishes, from and after the 24th of June 1771, shall not by virtue of any law then in being, make (save as hereinafter mentioned) or cause to be made, any other rate, assessment, or taxation whatsoever; or rate, collect or gather any other sum of money within any of the said parishes, or from the inhabitants thereof or otherwise, for the relief, maintenance and employment of the poor within the said parishes, other than such rates or taxation for the clothing, maintaining, employing and otherwise providing for the poor of the said parishes, as should and might from time to time be ordered and directed to be rated and raised by the said corporation of guardians, pursuant to the powers therein given, and for the purposes therein expressed." Out of this

general prohibition are excepted "rates or sums of money which by any special law they, the parish officers, are obliged to pay for the relief and provision of families of militiamen or for any other particular purposes arising within and falling to the part of the several parishes, and particularly directed by other acts of parliament." The special framing of this exception seems to shew that the ordinary rating of the poor under the statute of Elizabeth for the general purposes of such rating is within the general prohibition. We use the words "general purposes" advisedly, because the exception seems to keep the ordinary rating under the statute of Elizabeth alive for the special purposes named in the exception. For example, allowances to the families of militiamen were made as early as poor-rates (1), and the effect of this saving would be to authorize and compel the overseers and churchwardens to make a poor-rate in the ordinary way, and requiring the ordinary allowance, and subject to the ordinary appeal for the purposes of this charge. Both these rates—a rate under the statute of Elizabeth and one under the local act,—may therefore be in existence at the same time, which shews clearly that they are separate and distinct. The former might be made by the overseers on their own responsibility; they would determine the amount to be raised, and the proportions of individual assessments. With regard to the latter, they would exercise no discretion and incur no responsibility, as to the necessity of the rate or the amount to be raised: they would act under the orders of the guardians, and be ministerial except as to proportioning the assessment. It is observable that one of the earlier acts made for the providing for families of militiamen, the 33 Geo. 3. c. 8, apparently to meet the inconvenience of this double rate, makes a special provision (by sec. 8,) for the payment of the charge on the treasurer of the guardians of the poor in Exeter, where a local law, similar in many respects to the present, has long been in force, for the relief and maintenance of the poor generally in that city. The case of Oxford seems to have escaped notice,—at least at that time.

The powers of the guardians and the pur-

(1) By 43 Eliz. c. 3.

poses of the rate are next to be considered. By the 30th section it is enacted, after reciting that it would be attended with great trouble and perplexity to keep separate accounts of the poor, and apportion the sums necessary for their support and employment in each respective parish, that the necessary sums shall be raised by a regular pound rate, without distinction, throughout all the parishes. By the same section the guardians are to set down and ascertain the sums necessary to be raised for maintaining and employing the poor, and for other the uses of the corporation, pursuant to the design of the act. Having so done, they are to issue a precept to the parish officers of each parish, requiring them to make and levy the rate accordingly. And the parish officers are, by the same section, empowered to proceed in obedience to the precept. Thus it appears that, without entirely abolishing the distinct existence of the parish or the functions of the parish officers, the rate is to be made equally on all, without any regard either to the different aggregate property in each, or the charge which may be brought on the common fund by each,—all for these purposes are treated as one parish. The same section requires expressly certain things to be done with regard to this rate, not the same as, but analogous to, that required by the statutes of Elizabeth and George the 2nd, with respect to the ordinary poor-rate. The ordinary poor-rate must be allowed by two parties and then published in the parish church: the rate under this act is not to be published, but only the sum intended to be raised, and the allowance by two Justices is to follow, not precede, the publication. Particulars such as these are unimportant in themselves, but they concur with others in shewing that the rate under consideration is the creature of the local act, and not made under the powers given by the general statute. But when thus made, what are the purposes to which it is to be applicable? To ascertain these we must turn to the earlier sections of the act. By the 10th section the guardians are authorized to rent or purchase premises to be used as workhouses or houses of industry. By the 13th they may purchase and provide such goods, cattle, chattels, provisions, clothing, utensils and materials as they should think proper, for effectually setting to work, receiving, em-

ploying, maintaining and clothing of the poor under their care and power: they have besides the care and power over, and are to provide for the maintenance and employ and other management, according to the act, of all the poor in Oxford wanting or seeking relief; and of such other poor as shall be taken into the house of industry, or under their care, some are to be relieved, and some are to be compelled to come into the house. These last are idle and disorderly persons who neglect or refuse to maintain or shall leave or threaten to leave their families, not being afterwards able to maintain themselves; and also all other people who beg, seek or want relief for the time being, and who belong to and ought, according to the act, or by any law in force, to be relieved and provided for by any of the parishes in Oxford. All these may be compelled to come into, work and dwell in the house, and to remain so long as the guardians are of opinion they are unable to maintain themselves or cannot be otherwise sufficiently provided for. They may be forced to work, and the idle and disorderly detained until by their labour they have indemnified the said corporation of guardians for the expense they have occasioned. By the 15th section poor children, who at any time shall be maintained by the said guardians shall be under their government until the age of fourteen, and then, or sooner, may be bound apprentices to any respectable person in England, or to any two of the guardians as trustees for the benefit of the corporation, and be employed in any trade or occupation, or in the sea service, as the guardians should think most proper; and the guardians have full power to maintain and provide for every such apprentice; they have also by this act full power and property over such apprentice, who shall be so bound to any two guardians, and by warrant under the seal of the corporation may apprehend him if he desert or does not duly perform the service, in any city, county or place in Great Britain, and imprison or punish, assign or discharge him. Further, they may hire out any of the poor children before the age of fourteen, and also any of the other poor within the said house to work in time of hay and corn harvest, or at any other time, for the benefit of the corporation, under such payment and for such time as they please: the poor persons are to labour to

the best of their power, and after the expiration of the contract to return with their apparel, allowance being made for its necessary wear, to the house of industry; if not, they may be apprehended, and are liable to have such reasonable punishment and of such sort as the guardians shall direct; and in each and every case or occurrence whatever, wherein any of the poor shall not work and labour, and obey the rules and ordinances of the said corporation, from time to time, the guardians, or any five or more of them, shall have authority at any court to order such poor person or persons so misbehaving to be whipped in the house of correction, and to do such task-work, or to inflict such confinement or other reasonable punishment on him, her or them so misbehaving, as any such Court shall think fit or reasonable." By the 18th section in order to carry into execution the trusts reposed in them, the guardians are empowered to raise the sum of 10,000*l.* by the sale of life annuities, which by sect. 19 are to be paid out of the rates.

It appears then the rates made under the local act are applicable to the payment of annuities sold for the expense of providing the house of industry and other expenses incidental thereto, among which may be mentioned the salaries of officers to be appointed in any office or place thought needful by the guardians; and further, as regards the poor themselves, the rate is made applicable to a variety of purposes, connected, indeed, with their relief and maintenance, but yet going far beyond that to which the ordinary poor-rate is by law applicable. We have had occasion in passing to mention some extraordinary powers vested in the guardians: to these among others might be added the enactment in section 42, the main object of which is the settlement of bastards, but which provides also for the punishment of the parent, and enables any two of the guardians (being Justices of the Peace) at the end of a calendar month from the birth, and at any time after the mother shall on oath have declared who is the father of the child, if he be one of the poor under their care, to punish both father and mother by whipping, confinement or hard labour, or by distinguishing him or her by some badge or token of the offence to be fixed on the most conspicuous part of his or her outside garment. We notice powers such as these, not for the

purpose of passing any opinion as to the wisdom or justice of such enactments, but because all these instances of unlimited confidence confided and placed in the guardians make it a more consistent interpretation of the whole scheme of the act that it was not intended that there should be any appeal against acts done under their authority beyond themselves. In the same (42nd) section the overseers and churchwardens are especially allowed to pursue the ordinary remedy against the father and mother of the bastard child for indemnity; whence the argument arises of the same sort as that noticed above, in respect of the families of militiamen, that the general parochial law as to the poor prevails only where it is expressly so stated. The 41st section is very material in the present inquiry. By it the guardians, and the parish officers of any parish out of the pale of those united under them, may contract for the maintenance and employ of the poor of any such parish in the house of industry; and, in case this be done, the poor of such parish are compellable to go to this house, and cannot be otherwise relieved; and they become subject in all respects to the rules and powers and punishments of the corporation. To indemnify the guardians, the overseers of the parish may make a rate; against which an appeal lies, not to the Quarter Sessions of the county, but to any two Justices residing next the parish within such time after such notice, and in such form as the act prescribed as to appeals against rates made under it in Oxford. The decision of the two Justices on the appeal is expressly declared to be final. We hardly know how a stronger indication of intention to take the whole matter out of the general law otherwise applicable to it could have been given.

We now arrive at the appeal clause itself—the 37th section. It applies in terms to cases only where any one apprehends himself to be unequally taxed, charged or rated. In this case the overseer is bound on request to shew the precept directing the rate and the rate itself, and permit copies or extracts to be made. Upon this, whether the party is aggrieved by the total amount to be levied on the city, or by the portion assessed on the individual, he may then, within a given time, complain to two Justices of the city, who are to issue their summons for the

appearance of the parish officers before any three Justices of the city, (of whom the mayor or recorder is to be one), and any two of the guardians joined with them, and on the production before them of the precept and rate, the three Justices and two guardians, not being Justices, form the court of appeal. They are to examine all parties, and their evidence taken on oath, and make a final order in the premises, binding on the appellant and on all parties rated and liable to be rated in the same assessment, and on all other persons. In case, therefore, of alleged inequality in rating, a final court of appeal is expressly established, the decision of which is final. To this extent it seems clear that there can be no appeal to the Court of Quarter Sessions; unambiguous words or a necessary implication would be required for the establishment of two concurrent and final courts of appeal on the same subject-matter; and, whatever may be the extent of the term "inequality of rating," it is an argument that there is by a local act a court of appeal established, which shews that the subject of appeal was present to the minds of the framers of the act, and considered to be within the scheme of their legislation. What the extent of the term was much discussed in the argument, and it ought to receive a liberal interpretation. We think that a party appealing on the ground of inequality might certainly object, not only to the excess of his overrating and the too small rating of other individuals, but also to the total omission of rateable property; for this, as well as the former, occasions him to bear an unequal or too great a proportion of the common burthen. It is more doubtful whether he could object that he was rated for property not properly within the rate; that may be considered as not properly the subject of appeal but of an action, for, in such case, the overseers have rated him without jurisdiction. The unsatisfactory nature of the court of appeal was also made the subject of comment. That objection may be answered first, thus: a court which must contain at least three Justices of the Peace, of whom one must be the mayor or recorder, was, at the time at least, as competent a tribunal as the Quarter Sessions of the district, probably even of the county at large, at one or other of which an ordinary appeal against the rate might have

been tried, and it was not the less satisfactory mode of trial on a question of rating, because there was power to examine parties on oath. But, secondly, it must be answered, that the arguments drawn either from the extent of the jurisdiction of the court or its competency are but of a secondary nature, and must not be relied upon as really concluding the matter. The first question would really remain the same if there was no court of appeal granted by the local act, and that is—Do the makers of the rate act under any authority given by the statute of Elizabeth? If they do, their act must be subject to the appeal given by that statute; if they do not, its appeal clause does not apply, and cannot be made by implication to operate on what has been done altogether under another statute. The examination of the local act shews that the rate does not take its inception from the parish officers; they neither determine when it shall be made, nor what shall be its amount, nor have they anything to do with its employment; when collected and paid over, it is appropriated, not to merely parochial purposes, not to such objects only as the ordinary poor-rate is confined to by the statute of Elizabeth, nor again can it be directed to many collateral and special purposes to which that rate has been made applicable by the subsequent statutes. It has been the manifest object of the act to take the city of Oxford out of the controul of the general poor law of the realm, and to vest the management of the poor (taking both those words in the largest sense,) in the hands of certain officers specially created, to whom larger powers are intrusted than have been intrusted to parish officers, or Courts of Quarter Sessions generally. Lastly, we find from examination that, whether wisely framed or not, the system is at least so complete, that, if the statute of Elizabeth had never existed, or was expressly repealed, every thing would have gone on in the city of Oxford without the slightest difficulty; except indeed that the local act takes the overseers and churchwardens as it found them, existing officers, and, as they were still to perform other functions of their office than those vested in them by the statute of Elizabeth, uses them for its own purposes, and deals with them as

it does with Justices of the Peace, constables and other officers already known to the laws. To this extent, and no further, the statute of Elizabeth seems necessary to carrying on the system created by the local act.

These results of our examination lead directly to the conclusion that the Quarter Sessions had no jurisdiction to entertain this appeal, and that our judgment must be for the defendants.

*Judgment for the defendants.*

[IN THE EXCHEQUER CHAMBER.]

1845. } KING AND ANOTHER v. THE  
May 9; } QUEEN, at the relation of  
June 14. } WILKINSON AND OTHERS.

*Conspiracy—Indictment, Sufficiency of—Judgment—11 Geo. 4. & 1 Will. 4. c. 70. s. 9.—Imprisonment, Reversal of Judgment of—Discharge.*

*The first count of an indictment charged, that the defendants did unlawfully combine, conspire, confederate and agree together to cheat and defraud certain liege subjects of our Lady the Queen, being tradesmen (not naming them), of divers large quantities of their goods and chattels. It then set out several overt acts, namely, the purchase by one of the defendants of goods of several tradesmen (naming them) upon credit, and of other tradesmen whose names were unknown, with directions that the goods should be delivered at the house of that defendant; that no payment was ever made for them; the pretence that certain debts were due from that defendant to the others, setting out the debts; that actions on account of these fictitious debts were commenced against such defendant by the others, and judgment signed for want of plea, and writs of fi. fa. sued out upon the judgments, by virtue of which the goods and chattels so fraudulently obtained were taken in execution; concluding with an averment, that so the defendants did cheat and defraud the tradesmen who supplied the goods, &c. All the overt acts were alleged to have been done in pursuance of the conspiracy:—Held, (reversing the judgment of the Court below), that the count was bad as containing a defective statement of the crime of*

*conspiracy, as either the names of the objects of the conspiracy ought to have been given or an excuse made for not naming them; or if the intention was to cheat a certain definite class, the individuals of which were to be afterwards ascertained, it should have so described them:—Held, also, that this defective statement was not cured by referring to the whole of the count, none of the overt acts being shewn to be themselves indictable offences at common law; and that the averment that they were done in pursuance of the conspiracy would not help the want of a positive and direct statement, that the defendants did conspire to cheat and defraud the persons named in the overt acts.*

*On the trial of an indictment at Nisi Prius, judgment being pronounced by the Judge before whom the trial was had, under 11 Geo. 4. & 1 Will. 4. c. 70. s. 9, the entry on the postea was that the Judge "did order and adjudge," &c. Semble, that it is more proper that the established form of "it is considered," &c. should be adopted.*

*On the reversal by a court of error of a judgment of imprisonment pronounced by the Court of Queen's Bench, the Court declined to make an order that the plaintiff in error should be discharged out of custody, as the application ought to be made to the Court below.*

*Error from the Queen's Bench.*

*Indictment for conspiracy. The defendants below having been convicted on the first count of the indictment, judgment was pronounced under the statute 11 Geo. 4. & 1 Will. 4. c. 70. s. 9, by Williams, J., before whom the indictment was tried, at the sittings in Middlesex, after Hil. term, 1844. Rules had been obtained on behalf of the defendants below for amending the judgment so pronounced, by arresting the judgment in the prosecution, which were, after argument, discharged by the Queen's Bench. — See *The Queen v. King* (1), where the first count of the indictment is set out.*

*A writ of error (2) having been sued out*

(1) 13 Law J. Rep. (n.s.) M.C. 118.

(2) The following were the errors assigned:—That the first count of the indictment does not contain or shew any such conspiracy as by the law and statute of this realm, amounts to an indictable offence. That the first count does not contain any misde-

by the defendants below on the above judgment, it was (May 9th, 1845) argued by—

*Pashley*, for the plaintiffs in error.—[He took a preliminary objection to the form of the judgment (3) pronounced at the trial by Williams, J., but as it appeared that the *postea*, upon which the judgment was entered, was not brought before the Court by *certiorari*, the Court held that they could not inquire into the form of the judgment until a *certiorari* had issued to bring up the *Nisi Prius* record.] The main objection is, that the first count, upon which alone the plaintiffs in error were convicted is bad. It is not sought to overrule *The King v. Gill* (4), for in that case

meanour or offence, which by the laws and statutes of this realm is punishable by indictment. That the alleged conspiracy is not set forth with sufficient certainty. That it is alleged in the said first count that the defendants did conspire to cheat and defraud certain liege subjects of our Lady the Queen, being tradesmen, of divers large quantities of their goods and chattels, and yet the said certain liege subjects are neither named in the said count, nor is it therein averred that the names of the said certain liege subjects were unknown to the jurors who found the said indictment. That the record fails to shew the judgment pronounced against the defendants, at the sittings at *Nisi Prius*, in the said record specified, to be a valid and legal judgment.

The plaintiffs in error relied upon the following points:—

1.—That the first count of the indictment is bad, and that the judgment against the plaintiffs in error is bad, as alleged in the assignment of errors.

2.—That the judgment of imprisonment is pronounced in respect of the several offences charged in the thirty-three counts of the indictment, although the plaintiffs in error were found not guilty of thirty-two of these offences.

3.—That the said judgment of imprisonment (such imprisonment being to commence on the day on which the plaintiffs in error should respectively be taken to and confined in prison, and neither of the plaintiffs in error appearing to have been present when judgment was pronounced,) is an illegal judgment.

4.—That the record fails to shew that the said Justice had authority to pronounce judgment, when and where he is alleged to have pronounced it; and also fails to shew that the same judgment was duly, and as the law requires, considered by the said Justice who pronounced the same.

(3) The judgment as entered on the *postea* was as follows:—And thereupon, to wit, at the same sittings of *Nisi Prius*, according to the form of the statute in that case made and provided, the said Sir John Williams, Knight, the said Justice so assigned as aforesaid, did pronounce judgment, and did order and adjudge, &c.

(4) 2 B. & Ald. 204.

the party intended to be defrauded was named; the specific pretences used were not set out. The persons whom it is the object of a conspiracy to injure must always be named where it is possible *The Poulterers'-case* (5). In *The King v. De Berenger* (6), and *The Queen v. Peck* (7), the class of persons intended to be practised upon was pointed out.

[ALDERSON, B.—There the intent was to injure a class of persons the individuals composing which were to be determined by future circumstances, and when those circumstances arose the class would be sufficiently designated. You may distinguish a class, although you do not name the individuals of which that class is composed, as persons resident in London or Westminster; but the question here is, whether the indictment would not be supported by evidence of a conspiracy to cheat persons at Liverpool.]

This count would be equally well supported by evidence of an intent to defraud persons at Hong Kong or any other place within the dominions of the British Crown. He referred to *O'Connell v. the Queen* (8). In *The Queen v. Biss* (9), an indictment for the murder of a male child of the age of six weeks, and not baptized, was held insufficient.

[POLLOCK, C.B.—The rule is, if a particular individual is pointed out by the indictment who is not named, it must either be stated that he had no name or that his name is to the jurors unknown.]

[ALDERSON, B.—There must always be such a reasonable certainty, that the accused party may know of what he is accused.]

He referred to *Starkie, Crim. Pl.*, 188, *Williams v. Bryant* (10), *The Queen v. Parker* (11).

[CRESSWELL, J.—There the defendants might only have been endeavouring to get their own goods by false pretences.]

(5) 9 Rep. 55, b.

(6) 3 Mau. & Selw. 67.

(7) 9 Ad. & El. 686; s. c. 8 Law J. Rep. (N.S.) M.C. 22.

(8) 11 Cl. & Fin. 155.

(9) 8 Car. & Pay. 773.

(10) 5 Mee. & Wels. 447; s. c. 9 Law J. Rep. (N.S.) Exch. 47.

(11) 3 Q.B. Rep. 292; s. c. 11 Law J. Rep. (N.S.) M.C. 102.

*The King v. Spragg* (12), which will be relied on by the other side, goes upon the ground that rejecting the allegation of the conspiracy, there still remained an indictable offence at common law. Here, from the mode in which the overt acts are stated, there is nothing from which it can be inferred that the parties intended to be defrauded were the parties from whom the goods were obtained.

[POLLOCK, C.B. referred to *Hawkins's Pleas of the Crown*, lib. 1. c. 72. There is a general term in the statute which has been overlooked. The particular kind of conspiracy mentioned in the act is to indict a person falsely, which is itself a misdemeanour.]

*The King v. Eccles* (13), *The King v. Turner* (14), *The Queen v. Kenrick* (15), *The King v. Fowle* (16), *The King v. Biers* (17), *Archbold's Crim. Pleading*, 716, were referred to.

[The argument on the other objections is omitted, as the judgment of the Court proceeded solely on the validity of the first count of the indictment.]

*Cleasby*, for the Crown.—As to the sufficiency of the offence charged: the difficulty of proving the offence of conspiracy as laid, has led to a generality of statement, which although it has sometimes been regretted by the Courts, has been sanctioned by usage. Here the conspiracy alleged is an agreement to go about defrauding certain liege subjects, being tradesmen.

[MAULE, J.—Suppose the indictment had been for conspiracy to cheat a certain liege subject, not naming him, and without any excuse for omitting the name: would that have sufficed?]

There may be a confederacy to defraud a person not yet fixed upon by the conspirators. It is enough if the person intended is afterwards ascertained by subsequent events.

[PARKE, B.—If you rest upon the con-

spiracy you ought to have stated it according to its effect, and to have named the persons actually defrauded as the persons intended to be defrauded.]

The conspiracy is to defraud such persons as they can get an opportunity of defrauding; it may be read as a conspiracy to defraud tradesmen, that is to say, such as they are enabled to practise upon. The statement is helped by the averment of what takes place afterwards—*The King v. Spragg*.

[CRESSWELL, J.—Strike out all about the overt acts, and suppose evidence given of a conspiracy to defraud A. and B, tradesmen, &c., would that have sustained the indictment as laid? How could the party plead *autrefois acquit* or *convict*?]

[ALDERSON, B.—If by the same statement you cover two different states of facts, on either of which the party is indictable, that cannot be convenient certainty.]

The cases cited on the other side do not apply, or are in favour of the indictment. In *O'Connell v. the Queen*, there was no statement of an illegal act, as intimidation need not be taken in a bad sense. *The King v. Biers* has no bearing upon the present case; it turned upon the misrecital of a statute. *The King v. De Berenger* and *The Queen v. Peck* are very similar to the present case, for there the indictment referred to a definite class of persons who were intended to be injured by the conspiracy, and no objection was made that the particular individuals were not named. But if the overt acts are read together with the allegation of the offence of conspiracy, there is no uncertainty; and *The King v. Spragg* is a strong authority that this may be done.

[PARKE, B.—I do not think you can draw up the latter part of the count to aid the generality of statement in the former part; and even if you did so, would you get a statement of an indictable offence, which there must be according to that case?]

[ALDERSON, B.—The only decision in *The King v. Spragg* was, that it was an executed conspiracy. Here the indictment states the offence generally, and then splits it into parts. The intention seems to have been to defraud any persons from whom the parties could get goods. If then you were to

(12) 2 Burr. 993.

(13) Willes, 583, n.

(14) 13 East, 228.

(15) 5 Q.B. Rep. 49; s.c. 12 Law J. Rep. (N.S.) M.C. 135.

(16) 4 Car. & Pay. 592.

(17) 1 Ad. & El. 327; s.c. 3 Law J. Rep. (N.S.) M.C. 118.

read the conspiracy as one merely to defraud the persons actually defrauded, you would have been exceedingly hampered at Nisi Prius.]

The overt acts are alleged to be done in pursuance of the conspiracy, and the first part of the count may be incorporated with the statement of the overt acts.

[POLLOCK, C.B.—The indictment contains a distinct allegation that the defendants below did defraud the persons mentioned in the different averments of the overt acts. If then the charge had been for a conspiracy to do those particular acts, it would have been a good indictment for the conspiracy.]

[PARKE, B.—Because the count contains a charge that they did these acts in pursuance of a conspiracy, you say it is equivalent to an allegation that they conspired to do the thing which they afterwards did. Now every indictment must contain a direct averment of the offence; the offence of conspiracy consists of an illegal agreement to do an act, and the act itself. Is it therefore enough to say that in pursuance of a certain conspiracy they did obtain goods?]

If necessary, it is contended that taking the whole of the count together it does contain a charge of conspiracy to defraud certain definite persons named in the count.

*Pashley* was heard in reply.

*Cur. adv. vult.*

The judgment of the Court (18) was now (June 14) delivered by—

TINDAL, C.J.—In this case the learned counsel for the plaintiff in error relied mainly upon two objections:—First, that the judgment of the learned Judge pronounced at Nisi Prius under the provisions of the 11 Geo. 4. & 1 Will. 4. c. 70. s. 9. was erroneous, inasmuch as it was entered on the *postea* in language which the law does not recognize as proper for that purpose, and he cited the case of *The King v. Kenworthy* (19), and the several authorities therein referred to. The form used in the *postea* is that the Judge pronounced judgment and

did order and adjudge, &c. We do not think it necessary to decide whether, when the judgment is pronounced under the acts of parliament above referred to, the usual and appropriate language when judgment is given by a Court, namely, "it is considered," must be made use of; perhaps it may be better that the established words of art and form should not be omitted on all future occasions. The second and more important objection was, that the indictment itself was bad, and we are all, upon consideration, of opinion that this objection must prevail.

Mr. Pashley, for the plaintiff in error, argued, that this indictment was bad, because it contained a defective statement of the crime of conspiracy, and we agree that it is defective. The charge is, that the defendants below conspired to cheat and defraud certain liege subjects, being tradesmen, of their goods, &c.: the objection is, that these persons should have been designated by their christian and surnames, or an excuse given, such as that their names are to the jurors unknown; or, if this allegation imports that the intention of the conspirators was to cheat certain definite individuals, as, for instance, those whom they should afterwards deal with, or afterwards fix upon, it ought to have described them in appropriate terms, shewing that the objects of the conspiracy were at the time of entering into it ascertained, as was in fact done in the case of *The King v. De Berenger* and *The Queen v. Peck*. It was argued, that if on the trial of the indictment it had appeared that the intention was to cheat not certain individuals, but such as the conspirators should afterwards trade with or select, they would have been entitled to an acquittal; and we all agree in this view of the case, and think that the reasons assigned against the validity of this part of the indictment are correct.

But it was then argued by the learned counsel for the Crown that, supposing these objections to be well founded, this defect in the allegation of the conspiracy was cured by referring to the whole of the indictment, the part stating the overt acts as well as that stating the conspiracy; and the case of *The King v. Spragg* was cited as an authority that the whole ought to be taken together. The point decided in that case ap-

(18) Tindal, C.J., Pollock, C.B., Parke, B., Alderson, B., Coltman, J., Maule, J., Rolfe, B., and Cresswell, J.

(19) 1 B. & C. 711.



pears to have been merely this, that in an indictment for a conspiracy, although the conspiracy be insufficiently charged, yet if the rest of the indictment contains a good charge of a misdemeanour, the indictment is good; and Lord Mansfield distinguishes between the allegation of the unexecuted conspiracy to prefer an indictment, as to the sufficiency of which he gave no opinion, and that of the actually preferring of the indictment maliciously and without probable cause, which he calls a complete conspiracy, actually carried into execution; and this he holds to be clearly sufficient; and no doubt it was so, for, rejecting the statement of the unexecuted conspiracy, the indictment undoubtedly contains a complete description of the common law misdemeanour; but if we examine the allegations in the present indictment, there is no sufficient description of any act done after a conspiracy which amounts to a misdemeanour at common law; none of the overt acts are shewn by proper averments to be indictable in themselves. The obtaining goods, for instance, from certain named individuals upon credit, without any averment of the use of false tokens, is not an indictable misdemeanour at common law; and if it is said that because it is averred to have been done in pursuance of the conspiracy before mentioned, it must be taken to be equivalent to an averment that the conspiracy was to cheat the named individuals of their goods, the answer is, first, that it does not necessarily follow that because the goods were obtained in pursuance of a conspiracy to cheat some persons, the conspiracy was to cheat the persons from whom the goods were obtained; they might have been obtained from A. in execution of an ulterior purpose to cheat B. of the goods; and, secondly, another answer is, that if the averment is to be taken to be equivalent to one that the goods were obtained from the named individuals in pursuance of an illegal conspiracy to cheat and defraud those named individuals of their goods, it would still be defective, as not containing a direct and positive averment that the defendant did conspire to cheat and defraud those persons, which an indictment for a conspiracy, when a conspiracy itself is the crime, ought certainly to contain; the averment describing the offence

ought to be direct and positive. The other allegations of what are termed overt acts are open to the same objection; in none of them is there a complete description of a common law misdemeanour, independent of the conspiracy, the allegation of which is insufficient, as not being direct and positive. For these reasons we are of opinion that the indictment is defective, and that the judgment of the Court of Queen's Bench must be reversed.

*Judgment reversed.*

*Pashley* then applied for an order that the plaintiff in error be discharged from custody, and referred to *The King v. Bourn* (20), and *The Queen v. Silversides* (21).

*Cleasby* suggested that the proper judgment would be, that the judgment of the Court of Queen's Bench be reversed, and that the plaintiff in error be restored to all he has lost thereby. The transcript of the record will be returned to the Court below, and the judgment of this Court will be entered on the roll, and that Court will award execution on it.

*Per Curiam*.—The plaintiff in error is restored to all he has lost by reason of the judgment. All that we can do is to pronounce the judgment in the proper form, to be entered on record in that form. The cases cited are not quite parallel: these were both cases of error from an inferior court, to which the court of error had no power to send the record back to have the judgment entered up on it. We think the application should be to the Court of Queen's Bench, or, in case of long vacation, to a single Judge of that Court, at chambers. The plaintiff in error would not, of course, be kept in prison during the vacation.

*Application refused* (22).

(20) 7 Ad. & El. 58; s. c. 6 Law J. Rep. (N.S.) M.C. 129.

(21) 3 Q.B. Rep. 406; s. c. 11 Law J. Rep. (N.S.) M.C. 82.

(22) See *Holt v. the Queen*, ante, Q.B. 98.

1845. } THE QUEEN v. THE INHABITANTS  
June 27. } OF HICKLING.

*Highway—Order as to Repair of, under  
34 Geo. 3. c. 64.—Estoppel—Jurisdiction.*

*An order of Magistrates under 34 Geo. 3. c. 64, for dividing a road lying partly in one parish and partly in another, by a transverse line for the purpose of repair, such order pursuing the form given by that statute, is conclusive as to the liability of each parish to repair the portions of road respectively allotted to them. And it is not open to either parish on an indictment for the non-repair of the portion so allotted, to impeach the jurisdiction of the Magistrates by producing evidence to prove that no part of the road ever was within such parish.*

The first count of the indictment stated that from the time whereof the memory of man is not to the contrary, there was and yet is a certain common and ancient Queen's highway, leading from the town of Newark-upon-Trent, in the county of Nottingham, towards and unto the town of Leicester, in the county of Leicester, called the Foss Road, used by and for all the liege subjects of our Lady the Queen and her predecessors, with their horses, coaches, carts and other carriages to go, return, &c. at their free will and pleasure, and that a certain part of the said highway, being so much thereof as lies between a certain turnpike road, leading from the town of Nottingham, to Melton Mowbray, in the county of Leicester, beginning at the said turnpike road and near to a certain inn, called New Inn, and extending southward to the southern boundary of the parish of Hickling in the said county, and being in length 858 yards, and in breadth 20 yards, one side of which said last-mentioned part of the said highway, being the eastward side thereof, adjoining to the said parish of Hickling, lies within the parish of Hickling aforesaid, in the county of Nottingham aforesaid, and the other part of the said highway, being the westward side thereof, adjoining to the parish of Widmerpool, in the county of Nottingham aforesaid, lies within the said parish of Widmerpool, in the said county, and that on or about the 3rd of August, in the year of our Lord 1816, upon complaint duly made before John Elliott and Robert

Padley, Esquires, then being two of His then Majesty's Justices of the Peace for the said county of Nottingham, by virtue and in pursuance of the provisions of an act of parliament passed in the 34th year of the reign of His late Majesty King George III. intituled 'An act for the more effectually repairing of such parts of the highways of this kingdom as are to be repaired by two parishes,' the whole of such part of the said highway beginning at the said turnpike road as aforesaid, and extending as aforesaid, being in length 858 yards, and in breadth 20 yards, was by the said Justices divided by a transverse line into two parts, and by their order then duly made under their hands and seals it was declared, adjudged, and ordered in the following manner, that is to say, that at the distance of 478 yards, measuring from the said turnpike road, leading from the town of Nottingham aforesaid, to Melton Mowbray aforesaid, and near to the said inn called New Inn, there should be erected certain posts or stones, marked "H." and "W," on each side of the said highway; and the whole of the said highway, from the said turnpike road near to the said inn to the posts or stones, should from time to time, and at all times thereafter, be repaired by the said parish of Hickling; and that the remainder of the said highway, from the said posts or stones marked "H." to the southward boundary of the said parish of Hickling, being the distance of 380 yards, should from time to time, and at all times thereafter, be repaired by the said parish of Widmerpool; and such order and a plan of the said highway, and the allotment thereof, were afterwards, to wit, on the 14th day of October 1816, duly filed with the clerk of the peace of the said county, according to the provisions of the said statute; whereby and by force of the said statute the said parish of Hickling then became and was, and thence continually has been and now is, bound as of common right to maintain and keep in repair the said parts of the said highway so allotted to the parish of Hickling as aforesaid. That the whole of the said part of the said highway so allotted to the parish of Hickling aforesaid, situate and extending as aforesaid, containing in length 478 yards, and in breadth 20 yards, on the 14th of September, in the seventh year, &c.,

and continually afterwards, until the day of the taking of this inquisition at the parishes aforesaid, respectively was and yet is ruinous, miry, &c.

Second count, for the non-repair of a certain part of a common and ancient Queen's highway, called the Foss Road, situate in the parish of Hickling.

Third count, for the non-repair of a certain part of a common Queen's highway, situate in the same parish.

Plea—Not guilty.

The indictment was tried, before Coltman, J., at the Summer Assizes for the county of Nottingham, in 1844. The order of Justices for dividing the road (1) was put in and read; and it was contended, on the authority of *Basten v. Carew* (2), and *Brittain v. Kinnaird* (3), that the order was conclusive of the fact of the liability of the parish of Hickling to repair the portion of the road allotted to them. Coltman, J. held, that the order was not conclusive, and various witnesses were called to disprove the fact of any portion of the road having been ever repaired by the parish of Hickling; and there being no evidence, independently of the order, to shew that any part of the road was in that parish, the jury ultimately returned a verdict for the defendant.

In Michaelmas term—

*Wildman* having obtained a rule *nisi* for staying the judgment—

*Whitehurst* and *Mellor* now shewed cause.—First, if the question depends on the evidence of the witnesses, it will appear that there was no evidence that the part indicted was within Hickling parish, or that that parish had ever repaired it; but, secondly, it will be contended that the order of Justices is conclusive as to the liability. Now, it is not disputed that in order to give the Magistrates jurisdiction, the road must lie in the two parishes; and they cannot make facts to give themselves jurisdiction—*Welch v. Nash* (4). The Magistrates have a limited jurisdiction only, not to determine in which parish the road is, but to divide it in case it shall be in the two parishes. The

order does not even assume to adjudicate that the road in point of fact is in the one parish or the other—*Watson v. Bodell* (5). The case of *Brittain v. Kinnaird* does not apply. There the Magistrate found the fact, which gave him the jurisdiction, and into which fact he had power to inquire. This is like the case of a warrant of distress for poor-rate, which may be impeached by proof that the lands rated are not within the parish for which the rate was made,—or for a sewer rate, which may be impeached by shewing that the lands are not within the jurisdiction of the commissioners, or receive no benefit—*Carratt v. Morley* (6).

[LORD DENMAN, C.J. referred to *Mould v. Williams* (7).]

*Willmore* and *Hayes*, contra.—It is impossible to look at the act of parliament without seeing that the Magistrates have in effect jurisdiction to say how the road shall be repaired in future; and if this order is not conclusive, parties may at any time practically repeal the act, and cancel everything that has been done under it, by merely suggesting that the road is not in the parish. The statute 34 Geo. 3. c. 64. s. 2. enacts, "That after the order and plan have been filed with the clerk of the peace, the parishes shall be bound to keep in repair the parts allotted as of common right, and shall be liable to be indicted for neglecting to do so." Section 7. gives an appeal to the Sessions.

[PATTESON, J.—I observe that the form given by the act of parliament does not state in terms the fact of the road being in the one parish or the other.]

In this case the form given by the act has been exactly pursued; and, in fact, the order does set out the information, which states the fact of the road being part in one parish and part in the other. The Court will look at the whole proceedings. This is not like a case in which it might, perhaps, be shewn by affidavit, that the Magistrates had in fact travelled out of their jurisdiction—*The Queen v. Bolton* (8), but comes within the principle of *Brittain v. Kinnaird*, *Aldridge v. Haines* (9), *Basten v. Carew*.

(5) 14 Law J. Rep. (n.s.) Exch. 281.

(6) 1 Q.B. Rep. 18; s. c. 10 Law J. Rep. (n.s.) Q.B. 259.

(7) 5 Ibid. 470.

(8) 1 Ibid. 66; s. c. 10 Law J. Rep. (n.s.) M.C. 49.

(9) 2 B. & Ad. 410; s. c. 9 Law J. Rep. K.B. 202.

(1) The order was in the form given in the Appendix to stat. 34 Geo. 3. c. 64.

(2) 3 B. & C. 649; s. c. 3 Law J. Rep. K.B. 111.

(3) 1 Brod. & Bing. 432.

(4) 8 East, 394.

LORD DENMAN, C.J.—It appears to me that the question as to the road being in one parish or the other for the purpose of repair was a matter within the jurisdiction of the Magistrates, and that they have exercised their jurisdiction.

PATTESON, J.—The whole proceedings shewed that it was a necessary part of the inquiry to ascertain the parish in which each part of the road was. I think therefore that the order was conclusive within the principle of all the decided cases. I think the question comes within the principle of *Brittain v. Kinnaird*. The Magistrates of necessity find the fact in order to proceed to divide the road. Here they pursue the form given by the act: that form does not in terms say that the road is in the one parish or the other, but the act gives the Magistrates power to inquire into that, and they are in fact bound to pursue the form which the act gives. If the form had been that of the Magistrates, I should have been of a different opinion.

WILLIAMS, J.—I cannot distinguish the case from that of an order made in a matter in which the Magistrates are in terms directed to inquire, and everything appears on the face of the order to give them jurisdiction. Here the fact of their having inquired is not disputed; and if we are now to inquire into the fact of the road being in the parish, it is hard indeed to say where we must stop.

COLERIDGE, J. concurred.

*Rule absolute.*

BAIL COURT. }  
1845. } THE QUEEN v. BIRD AND  
April 15. } OTHERS.

*Certiorari — Indictment for Misdemeanour.*

*The rule for a certiorari to remove an indictment for a misdemeanour, is not necessarily absolute in the first instance.*

Peacock applied, on behalf of the defendants, for a *certiorari*, to remove an indictment for a nuisance, which had been found at the Middlesex Sessions. He submitted, that as it was a misdemeanour, he was entitled to a rule absolute in the first instance,

and cited *The Queen v. Spencer* (1), where Littledale, J. says, "In cases of misdemeanour, the rule for a *certiorari* is absolute in the first instance; but in cases of felony, it is a rule *nisi*."

COLERIDGE, J.—The Master says that is not the practice; and I have known many cases myself where cause has been shewn on such a rule. It seems right that the prosecutor should have an opportunity of giving an answer to the application. As to the case cited, taking it altogether, the learned Judge seemed to think it was discretionary. Take a rule, therefore, to shew cause. Cause to be shewn in two days.

*Rule nisi accordingly.*

1845. }  
May 6; } THE QUEEN v. THOMAS  
June 12; } PAYNTER, ESQ.

*Poor Rate—Rateability—Occupation—Shareholders of Rateable Property.*

*Where a bridge and lands, and premises connected with it, had been, in 1729, conveyed to trustees, upon trust to permit certain subscribers (who had built the bridge) and their heirs, &c., to receive the tolls, and to have the sole management of the bridge, and the shares of the subscribers had been subdivided into a large number of shares; and A. B, one of such shareholders, resided in parish C, at one end of the bridge, and a toll collector was stationed at the other end of the bridge in parish D:—Held, that the subscribers were the occupiers of the bridge and tolls, and that the rate was well made upon them; and that a warrant of distress might well issue against A. B. for the whole of the rate.*

A rule had been obtained for a writ of mandamus, directed to Thomas Paynter, Esq., one of the magistrates of the police courts of the metropolis, sitting at the police court of Wandsworth, in the county of Surrey, commanding him to issue his warrant of distress against the goods of H. Chasemore, for 48*l.* 10*s.*, being the amount assessed upon him, jointly with others, in a

(1) 8 Dowl. P.C. 127.

rate made for the relief of the poor of the parish of St. Mary, Putney, in the said county, within the metropolitan police district, on the 3rd of October 1844. The affidavits in support of the rule set out an indenture of the 11th of November 1729, between the commissioners and trustees appointed by certain acts of parliament, for building a bridge from Fulham to Putney, of the one part, and Sir Robert Walpole, and twenty-nine other parties therein named, being all contractors and subscribers for building the said bridge, of the second part; and the Right Hon. Arthur Onslow, Esq., Speaker of the House of Commons, and thirteen other persons therein named, of the third part, by which, after reciting that it had been contracted and agreed that the thirty subscribers and contractors should make and construct the bridge, according to the provisions of the several acts of parliament, and keep it in repair for ever, and that the commissioners and trustees, and their successors, when the bridge should have been built, would convey over in perpetuity all the tolls, revenues and income of the said bridge, &c. to the subscribers, *to hold as tenants in common, and not as joint tenants, or as such subscribers should appoint*; and also, after reciting that the subscribers had subscribed the sum of 30,000*l.*, and had paid such other sums as they had contracted to pay, and had built the bridge, the said commissioners and trustees granted and assigned to the said A. Onslow, Esq. and the said thirteen other trustees, the said bridge, tolls, revenues, &c., in fee, upon trust, to permit and suffer the said Sir R. Walpole and the other twenty-nine subscribers, their heirs and assigns, to have, receive, and take the tolls and profits of the said bridge, and to have the sole management thereof; the tolls to be divided among the subscribers, with a proviso, that, in case of default made by the subscribers, in the payment of certain annual sums, stipulated to be paid by them, the said A. Onslow, Esq. and the other said trustees, their heirs, &c., or any five of them, should receive and take the tolls, and have the management thereof. The original thirty shares had been subdivided amongst a great number of persons. The bridge united the parish of Fulham, in the county of Middlesex, with the parish of Putney, in the county of Surrey, the abutments, founda-

tion and toll-house on the Surrey side, being in the parish of St. Mary, Putney; and the abutments, foundation and toll-house on the Middlesex side, being in the parish of All Saints, Fulham. Chasemore was the owner or proprietor of a share or shares in the bridge, and resided in the toll-house on the Middlesex side, a collector being stationed in the toll-house on the Surrey side; and, prior to the month of November 1842, the proprietors of the bridge had been from time to time rated to the relief of the poor of the parish of St. Mary, Putney, and such rates had been paid by the said Henry Chasemore, on behalf of the said proprietors. On the 3rd of October 1844, an assessment was made for the relief of the poor of the parish of St. Mary, Putney, of 1*s.* in the pound; and the name of Henry Chasemore appeared amongst ninety-eight others in the column set apart for the names of the occupiers of that part of Putney Bridge situate in the parish of Putney, and land, upon which the same is built, together with the toll-house and other buildings, the amount of the rate being 48*l.* 10*s.*, the rate being on all the proprietors jointly. The rate having, on the 22nd of November, been demanded of Chasemore, who refused to pay it, a summons, under the hand and seal of one of the Magistrates of the district, was issued on the 16th of January, directed to all the proprietors of the bridge, ninety-nine in number, requiring them to appear before the sitting Magistrate, on a day therein named, to shew cause why they should not pay the said rate, and on the given day the names of all the persons named in the rate having been called over, three only, of whom Chasemore was one, appeared; and evidence was then given before the Magistrate of the meeting and allowance of the rate, and of a demand on Chasemore; and that there had been no appeal against the said rate, and that Chasemore was the general agent on behalf of the proprietors of the bridge. Chasemore, by his attorney, took several objections to the rate, which were overruled by the Magistrate, who, however, declined to issue a distress warrant, without the direction of this Court. Chasemore made an affidavit in answer to the rule, in which he stated that he acted as secretary to the proprietors, but not as general manager;

that he paid all the tolls received by him into a bank, to be divided among the shareholders; that he resided in a part of the tollhouse on the Middlesex side; that the furniture was his own, and that the shareholders as a body had nothing on which a distress could be made.

*Montagu Chambers* and *C. Clark* shewed cause, in behalf of Chasemore.—The Magistrate was right in refusing a warrant against Chasemore alone for the whole rate, there being ninety-eight others mentioned in the summons.

[WILLIAMS, J.—Would not the question of amount be matter of appeal?]

If the Magistrate considered that he was not the occupier, he was right in refusing the warrant—*Milward v. Caffin* (1). Chasemore was entitled to have the exact amount due from him demanded of him—*Hurill v. Wink* (2), *Harper v. Carr* (3); and the Court will not interfere where the Magistrate has decided the question—*Ex parte Ackworth* (4).

*Crompton* and *Pashley*, contra.—Several objections were urged before the Magistrate as to the allowance and publication of the rate, but those were properly overruled by him. The rate has not been appealed against. *Milward v. Caffin* was decided on the ground that the party had no rateable property whatever.

[WIGHTMAN, J.—My difficulty is to see who the bridge belongs to.]

It appears that the subscribers, of whom Chasemore may be considered one, jointly received the tolls. It does not appear that there are any trustees at present in existence. This is a question of occupation, not of inhabitancy; and, therefore, not like the case of partners.

[WIGHTMAN, J.—Is it distinctly made out that Chasemore has rateable property in the parish?]

The whole property is rateable, and the amount for which it is rateable in the parish of Putney is not disputed. It is immaterial that this party resides in a toll-house in another parish.

*Moody*, for Mr. Paynter.—The Magis-

trate was under a difficulty in issuing a warrant, as prayed, against Chasemore only, the summons being directed against all the ninety-nine shareholders.

LORD DENMAN, C.J.—This rule must be made absolute. It is true that the original trustees do not now appear to exist, but if they did, they would hold the property for the benefit of the shareholders at large: the latter are the occupiers, and are properly rated. As to the objection to the warrant being issued against one, the answer is, that here is a tenant in common, who is rated with others; if he pays the rate, he may get his contribution from the other tenants in common.

PATTESON, J.—I thought at first that the subscribers had had nothing to do with the bridge, but that the trustees appointed under the act of parliament took the legal estate, in order to pay over the shares; but it turns out that they were originally the owners, but assigned over to the subscribers or contractors to hold as tenants in common, the words used being to "hold to the subscribers, &c., as tenants in common, &c., or as such subscribers shall appoint," and that the trustees are not to have a right of occupation, unless default is made by the subscribers in the payment of certain sums they are charged with the payment of, and then, during the time of default, the trustees are to have the management. I think there is a sufficient occupation shewn by the proprietors, of whom Chasemore is one.

WILLIAMS, J.—This property is clearly rateable. Is it then occupied by anybody? and if so, are the trustees the occupiers, or the other parties who are called the subscribers? The trustees are out of the case altogether; the deed shews that they have no interest as occupiers. The only doubt is, whether Chasemore is or is not liable to the warrant for the whole rate. I do not wish to speak with confidence on the point; but it strikes me that the question of occupation is the only one open to him here, and that the other questions could only be matter of appeal. If he is occupier at all we cannot here inquire into the extent of his occupation.

WIGHTMAN, J.—The only doubt which could even exist in this case was, whether Chasemore and the others were occupiers at all, and, therefore, whether they were rate-

(1) 2 W. Bl. 1330.

(2) 8 Taunt. 369.

(3) 7 Term Rep. 220.

(4) 3 Q.B. Rep. 397; s. c. 13 Law J. Rep. (N.S.) M.C. 38.

able at all: this is now ascertained, and, by reference to the facts of the case, and it appears that the shareholders are the only parties who can be considered as occupiers at all; and if the whole number are rateable, the warrant may be obtained against any one.

*Rule absolute.*

1845. }  
June 12. } THE QUEEN v. T. PAYNTER, ESQ.

*Mandamus—Return—Demurrer.*

*After a demurrer to a return made to a mandamus by the party to whom it is directed, the Court will let in the party really interested to make a return.*

A writ of mandamus issued to Mr. Paynter, in pursuance of the decision in the preceding case, on the 15th of May, to which, on the 23rd of May, Mr. Paynter made a return. To this return the prosecutors demurred. A rule *nisi* was subsequently obtained on the part of Chasemore calling on the prosecutors to shew cause why he should not be permitted to frame an additional return to the mandamus.

*Crompton and Pashley* (June 12) shewed cause.—The application is too late. Chasemore appeared by counsel to shew cause against the issuing of the writ, and, if he desired to make the return, should have applied to do so at the time the rule for the mandamus was made absolute; or at least he should have made the application before the return was demurred to. By the stat. 1 Will. 4. c. 21. s. 4, the Court is empowered to grant relief, and make rules as to third parties against whom a writ of mandamus is not directly issued, as they may to parties, under the Interpleader Act. An application under the Interpleader Act must be made before plea. No grounds are stated for the application, nor is there any affidavit negating collusion with the Magistrate, for the purpose of delay.

*Montagu Chambers*, contra, was not heard.

LORD DENMAN, C.J.—I cannot see that the prosecutor can lose anything by consenting to this application. If we saw that any unfair advantage was given to Chase-

more, who is the substantial defendant in the case, even if the prosecutors lost any time by allowing him to join in the return, or if there was any reason to apprehend any frivolous objection was to be raised, I should be disposed not to accede to this application. We should look narrowly at these cases, to see that prosecutors are not damnified by our allowing parties to come in and frame the return to the mandamus. As I do not see this in the present case, I think the application should be granted.

PATTESON, J.—The application is for an additional return. The act of 1 Will. 4. c. 21. gives us no power to allow that. It is true that it could not very well have been asked that the applicant should frame the return, the return having already been made. The return must be framed, stating the facts, and incorporating the Magistrate's return.

WILLIAMS, J. concurred.

COLERIDGE, J.—The demurrer need not be done away with. The prosecutor can still demur to the return of the Magistrate.

*Rule absolute accordingly.*

1845. }  
May 28. } THE QUEEN v. THE INHABITANTS OF CUDDINGTON.

*Settlement by Estate—Payment of Acknowledgment to Lord of Manor.*

*A, in 1769, inclosed a piece of land from the waste, and built a cottage thereon, in which he resided sixty years. During the whole time a yearly rent of 2s. 6d. was paid by A. to the lord of the manor for the cottage; and on a further inclosure of land for a garden, the rent was increased to 3s.:—Held, that A. gained no settlement thereby.*

On an appeal against an order of two Justices of the county of Chester, whereby the township of Cuddington was adjudged to be the last legal settlement of William Tomlinson, a pauper lunatic, and the overseers of that township were ordered to pay certain sums of money for his removal to the county lunatic asylum, and for his maintenance therein, the Sessions confirmed the order, subject to the opinion of the Court on the following—

## CASE.

The grandfather of the pauper, some time previous to the year 1769, had inclosed a piece of ground from the waste lands in the township of Cuddington, belonging to the lord of the manor, and had built a cottage thereon, in which he continued to reside till his death, in the year 1828 or 1829. It appeared by the production of receipts, which were proved by the mother of the pauper to have been found amongst her husband's father's papers at his death, that for some time a yearly rent of 2s. 6d. was paid to the lord of the manor, William Drake, Esq., which, on a further inclosure of land for a garden, had been increased to 3s., sixpence being added for the garden. One of the earlier receipts so produced was as follows:—

"September 26, 1769. Received of James Tomlinson the sum of 2s. 6d., being a year's cottage rent due to William Drake, Esq. at Lady-day next.

"Thomas Roylance."

It was also proved by the mother of the pauper that her husband was the only son and heir-at-law of the grandfather, after whose death, about the year 1829, she and her husband's family went to live in the said cottage, and resided there for thirteen years; that her husband was working in another township, and came over to the cottage every Saturday, and remained there till the Monday morning; and so continued to reside, from the Saturday to the Monday, for several years, down to the time of his death. During the whole of this time the yearly rent of 3s. was always paid to the lord of the manor; she had latterly paid it herself to the agent, and during the last year the agent had spoken of raising the rent. Upon this evidence the respondents contended that the pauper had a derivative settlement in the appellant township, neither he nor his father having gained any settlement in their own right.

The question for the opinion of the Court was, whether, under the circumstances stated, the Sessions were right in deciding that the pauper was settled in the appellant township. If this Court should be of opinion that he was so settled, then the order of Sessions was to be confirmed. If not, the order of Sessions was to be quashed.

*Townsend*, in support of the order of Sessions.—The Sessions drew the proper inference from the evidence. Payment of an unvaried rent for a long series of years to the lord of a manor is evidence of a title in him to the rent only, and not to the land, for the presumption is that the rent is a quit rent—*Doe d. Whittick v. Johnson* (1). The present case is still stronger than *Doe d. Whittick v. Johnson*, for here the payment has been for nearly seventy years.

[PATTESON, J.—The authority of that case has been shaken, if not overruled. Besides, here the origin of the payment of the rent is shewn: it was a compensation to the lord for the inclosure from the waste.]

The Court will be slow to remove a pauper, after a possession of more than twenty years—*The King v. Bitton* (2). In *The King v. Garway* (3), although a pauper had paid an acknowledgment of 2s. 6d. to the lord of the manor for thirty years, in respect of a cottage erected on the waste by his father, he was held to have gained a settlement thereby.

[PATTESON, J.—What state of things do you suppose the Court below to have presumed?]

A licence from the lord may be presumed.

[PATTESON, J.—But in *The King v. Hornodon on the Hill* (4), it was held that the grant of a licence from the lord to erect a cottage and inclose a piece of ground, rendering an annual rent, did not confer a settlement on the grantee, though he built the cottage and resided therein more than a year. Is the Court to presume a grant by deed, reserving a rent-charge? Can any instance be found of the creation of a quit-rent?]

*Whateley and Egerton*, contra.—The payment in this case was not a quit-rent, but an acknowledgment of the lord's title; the sum paid was increased when the garden was added. But even if it was a quit-rent, no settlement was acquired, for in the absence of a custom for that purpose the lord cannot make a new grant of copyhold—*The King*

(1) Gow. N.P.C. 173, cited in Woodfall's Landlord and Tenant, p. 264.

(2) Burr. S.C. 631.

(3) Ibid. 632.

(4) 4 Mau. & Selw. 562.



v. *Hornchurch* (5). In *The King v. Bitton*, there had been adverse possession without any payment whatever, for more than twenty years. And in *The King v. Garway*, the pauper's father had been in possession for thirty years without any payment of rent. The pauper in that case, therefore, had a good settlement by descent, though he afterwards by some mistake paid an acknowledgment for the premises. (They were then stopped.)

LORD DENMAN, C. J.—The Sessions here had no materials on which to found the decision to which they came. The origin of these payments was proved, and they were clearly an acknowledgment of the lord's title during the whole time the grandfather was in possession. There was, therefore, no adverse possession, as there was in the case of *The King v. Garway*.

The rest of the Court concurred.

Order quashed.

1844.	}	STAMP v. SWEETLAND AND ANOTHER.
May 10.		
1845.		
July 9.		

*Commitment — Conviction — Trespass—Magistrate, bonâ fide Intention of, in Act done under Statute.*

*The Turnpike Act, 4 Geo. 4. c. 95. s. 30, enacts, "That if any collector of tolls shall demand and take from any person a greater or less toll than he shall be authorized to do by the powers of any act, or of the orders and resolutions of the trustees or commissioners in pursuance thereof, then and in every such case he shall forfeit 5l."*

*A warrant of commitment under this statute stated, "that J. S. (a collector) did suffer and permit A. B. to pass through the turnpike gate with a cart, &c., on payment of the sum of 4d. as toll, &c., the legal toll due and payable being 6d."*

*The conviction, on which the commitment was founded, stated, that J. S. did demand and take from A. B. a certain toll, to wit, the toll or sum of 4d. for a certain horse drawing a cart; for which said horse drawing such*

*cart a certain toll, to wit, the sum of 6d. was then and there payable by the said A. B; the said toll or sum of 4d. so demanded and taken by the said J. S. then and there being a less toll than the said J. S. was authorized to take for the cause aforesaid, by virtue of the powers of any act, or of the orders and resolutions of the trustees or commissioners of the said turnpike road, made in pursuance thereof, &c.*

*An action of trespass having been brought against the Magistrates who signed the warrant for imprisonment under it,—Held, first, that the commitment might be considered as describing an offence within the act of 4 Geo. 4. c. 95. s. 30. with sufficient certainty; secondly, that, at all events, the conviction was clearly good, and that the warrant of commitment was supported by it.*

*The jury having found that the defendants bonâ fide believed that they were putting the act of parliament in execution—quære, if that would be a good defence under the 147th section, which provides for cases of action brought for things done in pursuance of the act?*

Trespass for assault and false imprisonment.

Plea, not guilty, by statute.

At the trial, before Coleridge, J., at the Summer Assizes for Devon, 1843, it appeared that the plaintiff, who was a toll collector, had been imprisoned under the following warrant of commitment under the 4 Geo. 4. c. 95. s. 30 (1); the defendants

(1) Which enacts, "That if any collector of the said tolls shall demand and take a greater or less toll from any person than he shall be authorized to do by virtue of the powers of any act, or of the orders and resolutions of the trustees or commissioners made in pursuance thereof.....then in every such case every such toll collector shall forfeit and pay any sum not exceeding 5l. for every such offence." The 3 Geo. 4. c. 126. s. 147. provides, "That if any action or suit shall be commenced against any person for anything done in pursuance of this act, then and in every such case such action or suit shall be commenced or prosecuted within three months after the fact committed, and not afterwards, and shall be brought in the county or place where the cause of action shall have arisen, &c., and the defendants in such action shall and may plead the general issue and give the special matter in evidence, &c. .... and if the matter or thing complained of shall appear to have been done under the authority and in the execution of the act .... then the jury shall find for the defendant or defendants," &c.

who signed the warrant being two magistrates for the county of Devon.

"County of Devon, to wit.—To the constable of Chudleigh and the keeper of the common gaol of Exeter.—Whereas Joseph Stamp, of the parish of Chudleigh aforesaid, was, on the 10th of October 1842, convicted before us, two of her Majesty's Justices, &c., upon the oath, &c., for that he, the said J. Stamp, being collector of the tolls of the turnpike gate called, &c., did, on &c. suffer and permit Owen Canley, John Lee and James Palmer, to pass through the said turnpike gate, with a cart, drawn by one horse, on payment of the sum of 4*d.* as toll for the said cart drawn by one horse, the legal toll due and payable in respect of the said cart drawn by one horse being 6*d.*, contrary to the statute in that case made and provided. By reason whereof the said J. Stamp has forfeited the sum of 5*l.* And whereas on the 2nd day of January 1843, we did issue our warrant, &c. to the constable of, &c. to levy the sum of 5*l.* [The warrant then proceeded in the form given by 3 Geo. 4. c. 126. to state that no sufficient distress was found.] These are, therefore, to command you, &c. to apprehend, &c. Given under our hands and seals this 10th day of October 1842.

"John Sweetland (L.S.)

"G. S. Curtis (L.S.)"

The following conviction was also put in:—

"County of Devon (to wit).—Be it remembered, that on the 10th day of October, in the sixth year, &c., Joseph Stamp, of &c., collector, &c., is convicted before us, J. S. and G. S. C., two &c., for that he, the said Joseph Stamp, on &c., at &c., being then and there collector of tolls at a certain toll gate, then called &c. upon a certain turnpike road, then leading from &c. to &c. did demand and take from one John Lee, at the said gate, a certain toll, to wit, the toll or sum of 4*d.* as and for a toll then and there payable by the said John Lee, at such gate, for a certain horse then and there drawing a certain cart upon two wheels only, and which said cart was then and there drawn by such one horse only, and driven by him the said J. Lee (one O. C. and one J. P. being then and there in the said cart with the said J. Lee,) in, along and over

the said turnpike road, and for which said horse drawing such cart a certain toll, to wit, the sum of 6*d.* was then and there payable by the said J. Lee, the said toll or sum of 4*d.* so demanded and taken by him, the said J. Stamp as aforesaid, then and there being a less toll than the said J. Stamp was then and there authorized to take for the cause aforesaid, by virtue of the powers of any act, or of the orders and resolutions of the trustees or commissioners of the said turnpike road, made in pursuance thereof, contrary to the form of the statute made in the 4 Geo. 4. intituled, &c. And we do hereby declare and adjudge that the said J. Stamp hath forfeited for his said offence the sum of 5*l.* Given under our hands and seals, &c.

"J. S. (L.S.)

"G. S. C. (L.S.)"

For the plaintiff it was objected, that the commitment was wholly bad, as it did not follow the words of the act of parliament, or describe an offence within it, nor indeed refer to any act of parliament with certainty; secondly, that it was not supported by the conviction; thirdly, that the conviction itself was bad, for not setting out the order of the commissioners, fixing the toll at 6*d.* —*Newman v. the Earl of Hardwicke* (2), *The King v. Nield* (3).

The Judge overruled the formal objections on reference to the 137th section of the act; and, with reference to the 147th section, he told the jury that if they thought the defendants *bond fide* believed that they were putting the power of the act in force, they must, at all events, find for the defendants.

A verdict having passed for the defendants,

*Rogers*, in Michaelmas term, 1843, obtained a rule *nisi* for a new trial, on the ground of misdirection; against which, at the sittings after Easter term, 1844,

*Cockburn, Bevan and Montague Smith* shewed cause.—First, the commitment is correct in form. It substantially describes an offence under the act of parliament. The substance of the offence is the taking of less than the legal toll. That offence is substantially stated in the commitment—

(2) 8 Ad. & El. 124; s. c. 7 Law J. Rep. (n.s.) M.C. 101.

(3) 6 East, 417.

*Goff's case* (4), *Rogers v. Jones* (5). The conviction states, that the defendant took a toll less than was required, and it further goes on to state what the larger toll was that he ought to have taken.

[COLERIDGE, J.—How could we see, upon the conviction being brought up, that the toll which he took was not the proper toll?]

That would be matter of proof. The conviction follows the form given in the statute as far as it goes; it may indeed be said to set out more than was necessary, as it is not necessary to set out that which is matter of evidence, and not required by the statute—*Chaney v. Payne* (6), *The King v. Judd* (7). If the conviction be good, the commitment, which need not be so precise as the conviction, is supported by it—*Daniell v. Philipps* (8), *The King v. Taylor* (9), *The King v. Rogers* (10). But, lastly, the Magistrates having clearly acted in the *bond fide* belief that they were acting in the execution of the power of the act of parliament, are entitled to a verdict under the 147th section.

[LORD DENMAN, C.J.—That *bond fide* belief might entitle them to notice of action.]

Here the 147th section operates as a defence to the action, in addition to the requisition of notice. The cases which have been decided on the subject of notice, therefore, apply to the defence on the merits—*Weller v. Toke* (11), *Davis v. Capper* (12), *Beechey v. Sides* (13), *Jones v. Gooday* (14), *Cann v. Clipperton* (15), *Norris v. Smith* (16), *Lord Oakley v. the Kensington Canal Company* (17), *Wells v. Ody* (18). Magis-

trates never would be safe in acting under the statute, unless the statute were held to protect them where they act *bond fide*.

*Rogers and Cornish*, contra.—First, the commitment is bad, and is not supported by the conviction. The commitment does not state anything which amounts to an offence. The words or the substance of the act should be adhered to; the offence is the “demanding and taking.” The commitment stated an offence of omission, not of commission, and is a material and fatal variance from the statute—*Davison v. Gill* (19), *Wickes v. Clutterbuck* (20), *Griffith v. Harris* (21). It should at all events bring the offence within the statute—*The King v. Judd*. The commitment also varies from the conviction, and is therefore bad; and the Court will make no presumption to support it—*Re Elmy and Sawyer* (22), *Rogers v. Jones*, *The Queen v. Chaney* (23). It is not identified as a commitment under this particular conviction; as for anything that appears it might be for something done under some other act of parliament. But, secondly, the conviction is also bad for not setting out the order of the commissioners, if such there were, giving the minimum toll.

[COLERIDGE, J.—If it had set out an order for a less sum to be taken, still it must have gone on further to state that there was no act or order giving a still less toll.]

Enough should be stated to shew a departure from the acts of parliament, and the orders of the commissioners. In *Newman v. the Earl of Hardwicke* (24), a conviction under 11 Geo. 4. c. 64. and 4 & 5 Will. 4. c. 85. against a party for selling beer to be consumed on his premises “at a time declared to be unlawful by an order of the Justices for the county,” was held bad in *The King v. Nield* (25), as was also a conviction for entering into an agreement “for controuling A. B. a manufacturer, &c.” without stating

(4) 3 Mau. & Selw. 203.

(5) 3 B. & C. 409; s.c. 3 Law J. Rep. K.B. 40.

(6) 1 Q.B. Rep. 712; s.c. 10 Law J. Rep. (N.S.) M.C. 114.

(7) 2 East, P.C. 1018.

(8) 1 Cr. M. & R. 662; s.c. 4 Law J. Rep. (N.S.) M.C. 67.

(9) 7 Dowl. & Ry. 622.

(10) 1 Ibid. 165.

(11) 9 East, 364.

(12) 10 B. & C. 28; s.c. 8 Law J. Rep. M.C. 67.

(13) 9 Ibid. 806; s.c. 8 Law J. Rep. K.B. 71.

(14) 9 Mea. & Wels. 736; s.c. 11 Law J. Rep. (N.S.) Exch. 297.

(15) 10 Ad. & El. 582; s.c. 8 Law J. Rep. (N.S.) Q.B. 268.

(16) Ibid. 188; s.c. 8 Law J. Rep. (N.S.) Q.B. 274.

(17) 5 B. & Ad. 138; s.c. 2 Law J. Rep. (N.S.) K.B. 208.

(18) 2 Cr. M. & R. 128; s.c. 4 Law J. Rep. (N.S.) Exch. 149.

(19) 1 East, 69.

(20) 2 Bing. 483; s.c. 3 Law J. Rep. C.P. 67.

(21) 1 Mea. & Wels. 335; s.c. 6 Law J. Rep. (N.S.) M.C. 29.

(22) 1 Ad. & El. 843; s.c. 3 Law J. Rep. (N.S.) K.B. 199.

(23) 6 Dowl. P.C. 281; s.c. 7 Law J. Rep. (N.S.) M.C. 65.

(24) 8 Ad. & El. 124; s.c. 7 Law J. Rep. (N.S.) M.C. 101.

(25) 6 East, 417.

the agreement. The cases of *The Queen v. Nott* (26), *The Queen v. Chaney*, *The Queen v. King* (27), *The King v. James* (28), are clear authorities that whether the conviction be right or wrong, the Court will not support a commitment which on the face of it is not supported by the provisions of the statute under which it is drawn. Then, lastly, the defendants are not protected by the 147th section. To hold them protected would be to render nugatory all the acts which have been passed, making notice to Magistrates necessary before bringing action, and giving them the opportunity of tendering amends. To give immunity to Magistrates was not the object of the act. When a Magistrate acts under a *bond fide* belief that he is proceeding in pursuance of a statute, he is undoubtedly entitled to notice—*Read v. Cowmeadow* (29), *Ballinger v. Ferris* (30); but whether a defendant is entitled to a verdict on the merits, and whether he is entitled to notice, are very different inquiries—*Wedge v. Berkeley* (31). No case has yet gone the length of deciding that a *bond fide* belief by the Magistrate that he is acting in pursuance of a statute, is a defence on the merits. Such a construction would do away with the necessity for notice in almost every case, and saddle a plaintiff with treble costs.

*Cur. adv. vult.*

The judgment of the Court was now delivered by—

LORD DENMAN, C.J.—This was an action tried before my Brother Coleridge, at the Devon Summer Assizes for 1843. The defendants were Magistrates of the county, who pleaded the general issue, by statute, to a declaration for assault and false imprisonment. The cause of action was a commitment on a conviction on an alleged offence against the Turnpike Act, 4 Geo. 4. c. 96. s. 30. The defendants relied, first, on the conviction, to which, as well as to

the commitment, objections were made; and, secondly, on the 147th section of 3 Geo. 4. c. 126, which is incorporated with 4 Geo. 4. c. 95. The Judge overruled the objections to the commitment and conviction, but he thought the defendants would be entitled, at all events, to a verdict, by virtue of the section above mentioned, if the jury thought that they acted *bond fide* in the belief that they were putting in execution the first-mentioned act. The jury found very properly that they were so, and the verdict passed for them. A new trial was moved for, on objections to both rulings. The latter was principally discussed on the argument, but both were discussed, and we were willing to decide the case on that latter point as one of very general importance; but, after much consideration and long delay, we have found difficulty in agreeing on the proper conclusion to come to, and we therefore proceed to the examination of the other point. The conviction passed on the 30th section, and the offence is thus described therein:—"Shall demand and take a greater or less toll from any person than he shall be authorized to do by virtue of the powers of that act, or of the orders and resolutions of the trustees or commissioners made in pursuance thereof." By the 37th section it is provided, that "no proceeding taken in pursuance of the act shall be quashed or vacated for want of form." The warrant of commitment stated the offence thus:—"He did suffer and permit three persons (named) to pass through the said turnpike gate with a cart drawn by one horse, on payment of the sum of 4d. as toll for the said cart drawn by one horse, the legal toll due and payable in respect of the said cart drawn by one horse being the sum of 6d., contrary to the statute." It was objected that this disclosed no offence against the statute, for that to suffer and permit one to pass on payment of a smaller toll was not to demand and take it. It may be doubted, perhaps, whether the words "demand" and "take" are to be referred severally to the two cases which follow, of greater or less toll, or whether they do not altogether express a complete act of asking for and receiving; but in either way the word *take* will denote no more than receive, without any notion of force or compulsion. Nothing bound the Magistrates to use the very words of the

(26) 4 Q.B. Rep. 768; s. c. 12 Law J. Rep. (N.S.) M.C. 143.

(27) 13 Law J. Rep. (N.S.) M.C. 43.

(28) Cald. 458.

(29) 6 Ad. & El. 661.

(30) 1 Mee. & Wels. 628; s. c. 5 Law J. Rep. (N.S.) M.C. 133.

(31) 6 Ad. & El. 668; s. c. 6 Law J. Rep. (N.S.) M.C. 86.

statute, although it is always better to do so when they themselves sufficiently describe the offence, and giving to the words the sense of simply receiving. We think the language of the commitment quite equivalent. The toll-keeper who suffers a traveller to pass on payment of a smaller toll than the legal one, does, in fact, ask for and receive that toll. But it is, perhaps, not necessary to decide this point, because the defect in question, assuming it to be one, is certainly cured by the conviction, if that be itself sustainable, for in that the words of the act are followed, and the statement is that he did "demand and take," &c. But then it was argued, that both the warrant and conviction were open to another objection. The statute, it has been seen, prohibits the taking a greater or less toll than the collector shall be authorized to do by virtue of the powers of any act, or of the order and resolution of the trustees or commissioners, made in pursuance thereof. The warrant, stating that the toll taken was 4d., adds, "the legal toll due and payable, &c., being 6d." The conviction describes it thus: "for which said horse drawing such cart a certain toll, to wit, the sum of 6d., was then and there payable by the party, the smaller toll or sum of 4d. so demanded and taken by the said J. Stamp then and there being a less toll than he was then and there authorized to take for the cause aforesaid, by virtue of the powers of any act, or the orders and resolutions of the trustees or commissioners of the said turnpike road, made in pursuance thereof." Assuming it is not enough in the warrant to say the legal toll was 6d., here again it is clear that the conviction, if itself sufficient, will cure the defect. The objection to the conviction was not very clearly put. We understand it to be, that some reference should have been made on the face of the instrument to the local act, or to the resolution of the trustees, which fixed the minimum toll, so that it would have appeared that 6d. was that minimum, below which the plaintiff could not legally demand and take.

Now, it is to be observed, if the resolution had been set out at length, fixing the toll at 6d., still the nature of the offence described in the act would have required something more in extreme strictness, the description being by negative, extending to

any act or any order or resolution of the trustees. It would in extreme strictness be still necessary to negative the existence of any such, because, however strong the words of the resolution set out, there might be still some other resolution or some other statute allowing the taking of a less sum under some supposable circumstances, or from some supposable class to which the traveller in question might belong. These considerations seem to shew the objection itself is not well founded; and that when the offence by the statute is taking more or less than any statute authorizes, or any resolution of the trustees, it is sufficient to state the sum taken and the sum legally payable, and to negative generally that any less sum than that has been sanctioned by statute or resolution. It is matter of defence to produce the statute or resolution that does sanction the smaller sum, if there be one that can be produced. The question really is, whether the statute uses words which sufficiently describe an offence; for the conviction has used them, and something more, and we think that it does.

Upon these grounds we are of opinion that the learned Judge was right in overruling the objection taken to the conviction; and, consequently, the rule for a new trial must, on that ground, be discharged.

*Rule discharged.*

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1845. } *Ex parte WAKLEY in re J. D.*  
June 9. } COOKE.

Coroner—Habeas Corpus.

*The Court will not on the mere instance of the coroner, and without a strong case of necessity being made out, issue a writ of habeas corpus to bring a prisoner who has been committed for trial on a charge of the murder of A. B. before a coroner's jury who are sitting on the body of A. B.*

Kelly moved for a writ of habeas corpus, directed to the governor of Newgate, to bring up the body of J. D. Cooke to appear before the coroner of Middlesex upon an inquest holding on the body of A. B. It appeared that Cooke was committed by the Magistrates on a charge of murder, and

the object of the writ of *habeas*, as was suggested, was that Cooke might be identified before the coroner's jury. Witnesses had been produced before the coroner, who deposed that a person had been seen in company with the deceased shortly before her death, and had frequently been seen with him before; but none of these witnesses were able to say what his name was. A paper, however, had been produced, on which this person had signed his name as J. D. Cooke. He contended that it was the duty of the coroner's jury to find a verdict of wilful murder against the person who they were satisfied had committed the murder; but, in the present case, unless the party is identified, they could only return a verdict against some person unknown.

[LORD DENMAN, C.J.—It would be easy for the witnesses who identified Cooke before the Magistrates to identify him also before the coroner.]

The affidavits state that he can only be identified by being produced before the jury. The coroner knew nothing of what took place before the Magistrates, and if he was identified before them, it does not follow that the witnesses (who have not seen him in prison) can now speak positively as to his being the same party who was so identified. This Court has the power to issue the writ—*Daniel v. Thompson* (1), *Ex parte Griffith Griffiths* (2), *In re Sir Edward Price* (3). In *The Attorney General v. Fadden* (4), the Court of Exchequer granted a *habeas* to bring up a prisoner, who was confined in Lancaster Castle, in order to establish his identity—*Jervis on the Office of Coroner*, 21.

[PATTESON, J.—I think the proposition that this Court can upon any occasion bring up a prisoner in custody on a criminal charge, is too large; and if it be taken for granted that a coroner may bring any one before him as a witness, still this party is not a witness.]

[LORD DENMAN, C.J.—If this Court has the power to grant the writ, still it is a matter of discretion; but here the prisoner has already been identified before the Magistrates.]

Cases of collusion might be suggested, in which it might be of the highest importance that the party charged should be produced before the coroner. It can hardly be said that when a prisoner is once committed, the functions of the coroner's jury are at an end.

[LORD DENMAN, C.J.—I by no means say that; but here there is no collusion, or, indeed, any other ground suggested. From the facts, it would appear that you do not really want the prisoner, but the witnesses who have already sworn to his identity.]

The Court will presume that a public officer would not make the application except on good grounds, and will not drive him to take any particular steps, when they may at once assist him by granting the writ.

[PATTESON, J.—The affidavits should go further, and shew at least that all practicable means have already been taken.]

LORD DENMAN, C.J.—Though I have the greatest respect for the office of coroner, and am fully sensible of its importance as regards the lives of Her Majesty's subjects, I own I do not in this instance see any necessity for our interference. We cannot but be alive to the great mischief that might arise by removing a prisoner committed under such a charge from the safe custody in which he is now lodged. Still, if it appeared that the coroner's jury could not proceed without the presence of the prisoner, I, for one, should apply my mind to consider in what way the object could be attained; but here no necessity whatever is made out. It appears that a paper was found containing the name of the party, and there does not appear to be any difficulty in tracing him.

PATTESON, J.—I do not see the difficulty suggested on the part of the coroner. We must take it that some of the witnesses have seen the prisoner before the Magistrates; and if so, they can speak to the fact of his being committed.

WILLIAMS, J.—This seems at present a question of comparative inconvenience, namely, whether it is more inconvenient that witnesses should go to look at the prisoner, or the prisoner be brought from prison to be looked at by the witnesses.

COLERIDGE, J.—I come to the same conclusion in this case, though not without doubt. It seems to be admitted that the

(1) 15 East, 78.

(2) 5 B. & Ald. 730.

(3) 4 East, 587.

(4) 1 Price, 403.

Court have the power to grant the writ; and I agree that in some cases it might be most inconvenient to grant it. At present, it is sufficient to say that I do not feel the necessity for granting the writ sufficiently made out to warrant my differing from the rest of the Court.

*Application refused.*

1845. { THE QUEEN v. GREENAWAY AND  
June 11. { ANOTHER.  
THE QUEEN v. CAREY.

*Attachment—Production of Documents under Crown Office Subpœna.*

*An attachment will lie against an overseer of a parish, and also against the solicitor of the parish, for refusing to produce the rate-books of such parish at petty sessions, in obedience to a Crown Office subpœna, in an inquiry touching the settlement of a pauper.*

Application for a rule calling on Mr. Mitchell Greenaway, one of the overseers of the poor of the parish of St. Giles, Camberwell, and Mr. Charles Arthur Dodd, solicitor and vestry clerk of that parish, to shew cause why an attachment should not issue against them for disobeying a writ of *subpœna duces tecum*, issued from the Crown Office, requiring them to produce before the Magistrates in petty session the rate-books of their parish, for the purpose of shewing by legal evidence that Mr. Alexander Smith had been for several years past duly assessed to the relief of the poor of that parish. The application was made at the instance of the overseers and guardians of the poor of the parish of St. Ann's, Westminster, on affidavit, which stated that on the 24th of May, on the complaint of the churchwardens and overseers of the poor of that parish, before the Magistrates sitting at petty session in the board-room at the Strand Union, inquiry was made touching the place of the last legal settlement of C. F. Smith and her infant child; and that the rate-books and assessments mentioned in the said *subpœna duces tecum* contained evidence which it was material and necessary to give and produce at the said petty session, in order to shew

that the said parish of St. Giles, Camberwell, was and is the last place of lawful settlement of the said C. F. Smith, and that the said M. Greenaway and the said C. A. Dodd, who were both sworn to have been served with a subpœna, attended pursuant thereto, but refused to produce the rate-books, contending, first, that a Crown Office subpœna, returnable to a petty session of Justices, could not be legally issued; secondly, that C. A. Dodd, being the attorney professionally concerned and employed for the parish of St. Giles, Camberwell, and having, as such attorney, the custody of the book in question and other documents, was bound to protect its interests, and was not liable to produce any documentary evidence adverse thereto; and thirdly, that M. Greenaway was not compellable or liable to produce documents to establish a settlement in a parish of which he was the overseer. The affidavits stated that the settlement of the said Alexander Smith, from whom the settlement of the paupers was stated to have been derived, was acquired by him since the year 1834, by renting and occupying a tenement in the parish of St. Giles, Camberwell. On moving for the rule—

*Pashley* (Corner was with him) referred to *Corner's Crown Office Practice, The Queen v. Lydeard St. Lawrence* (1). This is not like the case of title-deeds, which it has been considered a party is not compellable to produce—*Pickering v. Noyes* (2), and an attachment will clearly lie for disobeying the subpœna—*The King v. Ring* (3), *The King v. Brownall* (4). The case of *The Queen v. the Inhabitants of Orton* (5) shews that the production of the rate books was necessary, and that secondary evidence of their contents is not admissible. With respect to the objection taken by Mr. Dodd, the answer is, that the privilege of the attorney is nothing, if the client is compellable to produce the books, as the privilege of the attorney cannot be greater than that of

(1) 11 Ad. & El. 627; s. c. 10 Law J. Rep. (n.s.) M.C. 147.

(2) 1 B. & C. 262; s. c. 1 Law J. Rep. K.B. 110.

(3) 8 Term Rep. 585.

(4) 1 Ad. & El. 598; s. c. 3 Law J. Rep. (n.s.) M.C. 118.

(5) *Ante*, p. 89.

his client—*Doe d. Courtail v. Thomas* (6), *Geery v. Hopkins* (7), *Blakey v. Porter* (8). Besides, this does not affect parish property, but is an inquiry into the rights of third parties—*Sampson v. Swettenham* (9), *May v. Gwynne* (10).

*Montagu Chambers* and *Bovill* shewed cause, in the first instance.—First, it is very doubtful whether a Crown Office subpoena can be legally issued in such a case as this; secondly, the inhabitants of a parish are not compellable to produce their rate-books, and thereby furnish evidence against themselves—*The King v. Woburn* (11), *The King v. Hardwick* (12), *Worrall v. Jones* (13). The churchwardens are trustees of the parish. The evidence may be got at in the ordinary way, by notice to produce, but in no case, whether civil or criminal, can a party to the proceeding be compelled to produce documents in evidence.

*Pashley* and *Corner* in support of the rule.

#### THE QUEEN v. CAREY.

In this case a rule *nisi* for an attachment had been obtained against a party for refusing to produce the rate-books under similar circumstances.

*Creasy* and *Cobbett* shewed cause against it.

*Cur. adv. vult.*

LORD DENMAN, C.J., on a subsequent day, delivered the judgment of the Court in both cases.—In the former of these cases an attachment was moved for against a parish officer, for his contempt in disobeying a subpoena issued from this Court, which required him to produce before Justices of Peace in petty sessions a rate-book in his custody, in order to its being made evidence of the settlement

of a pauper then about to undergo examination. In the second case cause was shewn against a rule which had been obtained for a similar contempt. The course of practice during a long period was certified to us by our officer, and it is necessary for the due administration of justice. This Court has in all times lent its aid to inferior tribunals, where they have wanted the means of enforcing the attendance of witnesses. If *vivd voce* evidence is alone required, the ordinary *subpoena ad testificandum* will attain the object; if documents are wanted, recourse must be had to the equally well-known writ of *subpoena duces tecum*. The principle is well and forcibly asserted in the important judgment delivered by Lord Ellenborough in *Amey v. Long* (14). The opposition to our proceeding for contempt was indeed principally rested on the ground, that the particular officer in each of these cases, though summoned as a witness to produce, was, in truth, a party not bound to do so. He was said to be privileged from disclosing that evidence against the interest of his own parish, which was expected to be derived from its rate-book. The object of those who called for it was said (most probably with truth) to be the discovery of a settlement by rating, which would fix the pauper in that parish. It was ingeniously argued, that the production of the document would thus have the double effect of rendering the parish a party in the litigation, and depriving them of the right of a party to protect their muniments from inspection by their adversaries. None of these considerations, however, afford any answer to this complaint. No cause was pending, but a cause was expected to come on for trial, in which the documents might throw light on the truth. The person summoned was no party, but was bound to attend as a witness, and bring the paper called for, in obedience to the writ. Whether he would have been bound to submit it, when produced, to examination, is a question altogether different. This consideration suffices to make the one rule absolute, and to grant the other.

*Rules accordingly.*

(14) 9 East, 473.

(6) 9 B. & C. 293; s. c. 7 Law J. Rep. K.B. 214.

(7) 2 Ld. Raym. 851.

(8) 1 Taunt. 386.

(9) 5 Mad. 16.

(10) 4 B. & Ald. 301.

(11) 10 East, 395.

(12) 11 Ibid. 578.

(13) 7 Bing, 396; s. c. 9 Law J. Rep. C.P. 70.





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\* Erratum.—In Fletcher v. Calthorp, Mag. Cas. p. 55, line 10 from top of first column, *delete* the word "not."

A  
COMPENDIOUS ABSTRACT  
OF THE  
PUBLIC GENERAL ACTS  
OF THE UNITED KINGDOM  
OF  
GREAT BRITAIN AND IRELAND:  
8 & 9 VICTORIÆ—1845.

BEING THE FIFTH SESSION OF THE FOURTEENTH PARLIAMENT  
OF SUCH  
UNITED KINGDOM.

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MDCCCXLV.

BEGUN  
AT WESTMINSTER,  
THE  
19TH AUGUST, ANNO DOMINI 1841 ;  
AND  
FROM THENCE CONTINUED,  
BY SEVERAL PROROGATIONS,  
TO THE  
4TH FEBRUARY, 1845.

ABRIDGMENT  
OF THE  
PUBLIC GENERAL ACTS,  
8 VICTORIÆ—1845.

---

CAP. I.

AN ACT to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-five.

(18th March 1845.)

By this Act, the Commons grant, and it is Enacted,

- i. That there shall be applied, for the service of the year 1845, the sum of 8,000,000*l.* out of the Consolidated Fund.
  - ii. The Treasury may cause 8,000,000*l.* of Exchequer bills to be made out in manner prescribed by 48 Geo. 3. c. 1, 4 & 5 Will. 4. c. 15, and 5 & 6 Vict. c. 66.
  - iii. The clauses, &c. in recited Acts extended to this Act.
  - iv. Interest on Exchequer bills.
  - v. Bank of England may advance 8,000,000*l.* on the credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.
  - vi. Bills prepared by virtue of this Act to be delivered to the Bank, as security for such advances.
  - vii. Monies raised by bills to be applied to the services voted by the Commons.
  - viii. Exchequer bills made chargeable upon the growing produce of the Consolidated Fund.
- 

CAP. II.

AN ACT to continue for Three Years the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same, until the Tenth Day of *October* One thousand eight hundred and forty-five.

(18th March 1845.)

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CAP. III.

AN ACT for the Appointment of Constables or other Officers for keeping the Peace near public Works in *Scotland*.

(18th March 1845.)

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ABSTRACT OF THE ENACTMENTS.

1. *Additional constables or officers may be appointed by the sheriff.*
  2. *Expense thereof to be paid by the companies or parties carrying on such works.*
  3. *Remuneration may be recovered by distress.*
  4. *Act may be amended, &c. this session.*
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By this Act,

After reciting that great mischiefs have arisen by the violent and unlawful behaviour of labourers and others employed in the construction of railways and other public works in Scotland, by reason whereof the appointment of additional constables or officers for keeping the peace, and for the protection of the inhabitants, and security of the property, in the neighbourhood of such public works, is often necessary; and it is expedient that provision should be made for the appointment and payment of such additional constables or officers:—

It is Enacted,

I. That from and after the passing of this Act it shall be lawful for the sheriff of any county in which the works of any railway, canal, or other public work of a similar nature shall be in progress of construction, upon the application of the company or other parties carrying on any such public work, or of any two Justices of the Peace of the county, and usually acting in the district in or through which any such public work may be in the course of construction, to appoint from time to time such fit and proper persons as he may think fit to nominate for that purpose to be constables or peace officers in and for such county within the limits of such public works, and within a mile therefrom, during the construction of such public works; and every person so appointed shall make oath or solemn declaration, to be administered by such sheriff, duly to execute the office of constable or peace officer as hereinafter mentioned; and every person so appointed, and having made such oath or declaration, shall have full power to act as a constable or peace officer for the preservation of the peace, and for the security of persons and property against crimes and unlawful acts, within the limits of that part of the public works for which he shall be so appointed, and within a mile therefrom, and shall have, use, exercise, and enjoy all such powers, authorities, protections, and privileges in the execution of his office as belong by law to the office of constable or peace officer within the limits or district for which he is appointed to act, and shall, when required so to do, obey all orders and put in execution all warrants issued by the sheriff, and to be executed within such limits or district, or within any other part of the county; and it shall be lawful for the sheriff, when he shall think fit, to dismiss or remove any such constable or peace officer who may have been so appointed, and to appoint another fit and proper person in his stead; and upon every such dismissal or removal all the powers, authorities, protections, and privileges vested by virtue of such appointment in any person so dismissed or removed shall wholly cease and determine.

II. That every person so appointed by any sheriff to act as constable or peace officer as aforesaid shall, during such time as he shall so act as constable or peace officer, receive from the company or other parties carrying on such public works a reasonable remuneration, not exceeding what is in use to be given to constables on duty within the same county; and the amount and the time and manner of payment of such remuneration shall be fixed and directed by the sheriff.

III. That in all cases where the company or other parties carrying on any such public work shall refuse or neglect, during fourteen days next after demand thereof, to pay any such remuneration, or any part thereof, as shall by any sheriff as aforesaid have been directed to be paid, it shall be lawful for such sheriff forthwith to cause the same to be levied, together with the expenses of levying the same, by poinding and sale of the goods and effects of the company or other parties liable to pay such remuneration.

IV. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

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#### CAP. IV.

AN ACT to continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices.

(5th April 1845.)

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#### ABSTRACT OF THE ENACTMENTS.

1. *The rates and duties granted by the recited Act continued for three years.*
2. *The several Acts continued in force.*
3. *Assessments under Schedules (A.) and (B.) for the year 1845 to be in force for three years.*
4. *Power to compound for duties under Schedule (D.) continued.*
5. *Act may be amended this session.*

By this Act, the Commons grant, and it is Enacted,

I. That the several rates and duties by the Act, 5 & 6 Vict. c. 35, granted shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid, unto and for the use of Her Majesty, her heirs and successors, for the term of three years, to be computed from the 5th of April 1845, and until the assessments made or which ought to be made for the last year of the said term, or for any preceding year, shall be completed, collected, levied, and paid.

II. That the said recited Act, and all and every other Act and Acts now in force in relation to the duties granted by the said recited Act, shall severally be continued and remain in full force, and be of the like effect in all respects, in relation to the duties hereby continued and granted, as if the said duties had been originally granted by the said recited Act for a period

which did not expire before the end of the term for which the same are continued and granted by this Act; and all and every the powers, authorities, rules, regulations, directions, penalties, forfeitures, clauses, matters, and things contained in the said Acts, or any of them, and in force as aforesaid, shall severally and respectively be duly observed, practised, applied, and put in execution in relation to the said duties hereby continued and granted, as well during the term herein limited as after the expiration thereof, for assessing, levying, recovering, paying, deducting, and accounting for the said duties, and all arrears thereof, and for re-assessing the same in default of payment, and for the suing for, adjudging, and recovering any penalty which shall have been or may be incurred in relation to the said duties, as fully and effectually, to all intents and purposes, as if the same powers, authorities, rules, regulations, directions, penalties, forfeitures, clauses, matters, and things were particularly repeated and re-enacted in the body of this Act with reference to the said duties hereby granted.

And after reciting that by the said recited Act it was enacted, that the first assessment of the duties chargeable under either of the Schedules (A.) or (B.) of the same Act should be and remain in force for the space of three years, which will expire after the 5th of April 1845;—

It is Enacted,

III. That the assessments of the same duties to be made for the year commencing from and after the said last-mentioned day shall in like manner be and remain in force for the space of three years, under and subject to the same rules, regulations, and conditions as are specified in the said recited Act with reference to the assessments made under the same Schedules for the period of three years in the said Act mentioned.

And after reciting that the contracts entered into for compositions for the duties chargeable under Schedule (D.) of the said recited Act for the term thereby limited will expire after the 5th of April 1845, and it is expedient to renew and continue the powers of the Commissioners to enter into new contracts for such compositions for the term limited by this Act;—

It is Enacted,

IV. That it shall be lawful for the Commissioners for special purposes, in the said Act mentioned, to contract and agree for a composition for the said last-mentioned duties, with any person who may be desirous of compounding for the same, for the period of three years, to commence from the 5th of April 1845, under and subject to the conditions, rules, and regulations specified in the said Act with reference to the compositions thereby authorized to be made for the same duties for the term of three years in the said Act mentioned.

V. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

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## CAP. V.

AN ACT for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-six, certain Duties on Sugar imported into the United Kingdom.

(24th April 1845.)

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### ABSTRACT OF THE ENACTMENTS.

1. Duties imposed by 7 & 8 Vict. c. 28. repealed.—Duties imposed in lieu thereof.
2. Power to Her Majesty, by Order in Council, to declare the sugars of other countries to be admissible as not being the produce of slave labour.
3. Certificates and declarations required.
4. Certificate required in respect of sugar from China, &c.
5. Certificate required in respect of such sugar if imported from British possessions abroad.
6. Her Majesty, by Order in Council, may declare the sugars of countries with which Her Majesty has treaties of reciprocity as to duties to be admissible at 28s. and 23s. 4d. per cwt. respectively.
7. If such treaty be conditional, Order in Council to state fulfilment of condition.
8. Her Majesty may allow importation of sugar and molasses, from British possessions within the East India Company's charter in which the importation of foreign sugar is prohibited at the lower rates of duty.
9. Such sugar and molasses to be entered at the lower rates of duty, upon the conditions on which Bengal sugar was admissible under 6 & 7 Will. 4. c. 26.
10. Bounties on certain descriptions of refined sugar.
11. Collection of duties.
12. Commissioners of Customs to provide standard samples of white clayed, &c. sugar.
13. Orders in Council may be revoked.
14. Orders in Council to be published.
15. Copies of Order in Council to be laid before Parliament.
16. Act may be amended this session.

By this Act, the Commons grant, and it is Enacted,

I. That from and after the 14th of March 1845, the duties imposed on sugar and molasses by 7 & 8 Vict. c. 28, shall cease and be no longer payable; and that from and after the said 14th of March until the 5th of July 1846, in lieu thereof, there shall be charged the duties of Customs following: (that is to say,)

On sugar and molasses the growth and produce of any British possession in America, or of any British possession within the limits of the East India Company's charter into which the importation of foreign sugar is prohibited, and imported from thence, the duties following; (that is to say,)

Double refined sugar, or sugar equal in quality to double refined, for every hundred weight	£. s. d.
Other refined sugar	1 1 0
White clayed sugar, or sugar rendered by any process equal in quality to white clayed, not being refined, for every hundred weight	0 18 8
Brown sugar, being muscovado or clayed, or any other sugar, not being equal in quality to white clayed, for every hundred weight	0 16 4
Candy, brown, for every hundred weight	0 14 0
Candy, white, for every hundred weight	1 6 0
Molasses, for every hundred weight	1 15 0
	0 5 3

On sugar the growth and produce of any other British possession within the limits of the East India Company's charter, the duties following; (that is to say,)

White clayed sugar, or sugar rendered by any process equal in quality to white clayed, not being refined, for every hundred weight	1 1 9
Brown sugar, being muscovado or clayed, or any other sugar not being equal in quality to white clayed, for every hundred weight	0 18 8

On sugar the growth and produce of China, Java, or Manilla, or of any foreign country the sugars of which Her Majesty in Council shall have declared, or may hereafter declare, to be admissible as not being the produce of slave labour, and which shall be imported into the United Kingdom either from the country of its growth or from some British possession, having first been imported into such British possession from the country of its growth, the duties following; (that is to say,)

White clayed sugar, or sugar rendered by any process equal in quality to white clayed, not being refined, for every hundred weight	1 8 0
Brown sugar, being muscovado or clayed, or any other sugar not being equal in quality to white clayed, for every hundred weight	1 3 4
Molasses, for every hundred weight	0 8 9

On all other sugars and molasses, not otherwise charged with duty, the duties following; (that is to say,)

Refined sugar, for every hundred weight	8 8 0
Brown, or muscovado, or clayed sugar, not being refined, for every hundred weight	3 3 0
Molasses, for every hundred weight	1 3 9
Candy, brown, for every hundred weight	5 12 0
Candy, white, for every hundred weight	8 8 0

And so in proportion for any greater or less quantity than a hundred weight.

11. That it shall and may be lawful for Her Majesty, and she is hereby empowered, from time to time, by any Order or Orders in Council, to declare, with respect to any foreign country or countries, that it having appeared to Her Majesty, upon sufficient evidence, that the sugars of such country or countries are not the produce of slave labour, such sugars shall (from and after a day to be named in such order) be deemed and taken not to be the produce of slave labour; and from and after the day so to be named in such order the brown, muscovado, or clayed sugar (not being refined) of the country or countries mentioned in such order shall be admissible to entry for home consumption at the said respective duties of 1*l.* 8*s.* or of 1*l.* 3*s.* 4*d.* per hundred weight respectively, in like manner as sugars the growth and produce of China, Java, or Manilla.

111. That no sugar shall be admissible to entry for home consumption at the said duties of 1*l.* 8*s.* or 1*l.* 3*s.* 4*d.* per hundred weight respectively unless the master of the ship importing the same shall have delivered to the collector or comptroller at the port of importation such certificate or certificates as hereinafter are mentioned, nor unless such master shall also make and subscribe a declaration before such collector or comptroller that such certificate or certificates was or were received by him at the place where such sugar was taken on board, and that the sugar so imported is the same as is mentioned therein.

iv. That in case such sugar shall be imported from China, Java, or Manilla, or from any other of the countries named in such Order in Council as hereinbefore is mentioned, the certificate so to be given to the collector or comptroller at the port of importation shall be under the hand and seal of the British consul, vice-consul, consular agent, or other officer appointed in that behalf by Her Majesty, at the place where such sugar was taken on board, and shall certify that a declaration in writing had been made and signed before such consul, vice-consul, consular agent, or other officer, by the shipper of such sugar, that the same was really and *bond fide* the growth of the country in which the same was so taken on board, and shall also certify that such consul, vice-consul, consular agent, or other officer had examined the contents of such declaration, and believed the same to be true.

v. That in case such sugar shall be imported from any British possession abroad the master of the vessel importing the same shall deliver to the collector or comptroller at the port of importation, firstly, a certificate under the hand and seal of the principal officer of Customs at the place where the same was taken on board, certifying that a declaration in writing had been made and signed before such principal officer by the shipper of such sugar, that the same was really and *bond fide* the growth of China, Java, or Manilla, or of some other of the countries named in such Order in Council as hereinbefore is mentioned, and had been imported thence into such British possession abroad as aforesaid, and also certifying that such principal officer of Customs had examined the contents of such declaration, and believed the same to be true; secondly, a certificate under the hand and seal of the British consul, vice-consul, consular agent, or other officer appointed in that behalf by Her Majesty (if any such there be), at the place whence such sugar shall have been imported into such British possession abroad, certifying that a declaration in writing had been made and signed before such consul, vice-consul, consular agent, or other officer, by the shipper of such sugar from such place, that the same was really and *bond fide* the produce of the country from whence the

same shall have been so imported into such British possession abroad, and also certifying that such consul, vice-consul, consular agent, or other officer had examined the contents of such declaration, and believed the same to be true: Provided always, that in case such sugar, shall be imported into the United Kingdom from any British possession abroad, being part of the territories of the East India Company, the certificate and declaration hereby required to be given and received by the principal officer of Customs may be respectively given and received by any officer appointed for that purpose by the respective governments of such territories.

VI. That with regard to sugar the growth of any foreign country between which country and Her Majesty there is now subsisting any treaty or convention binding Her Majesty to grant to such country, either conditionally or unconditionally, the privileges of the most favoured nation, or to permit, either conditionally or unconditionally, the produce of such country to be imported into the United Kingdom at the same duties as are imposed upon the like produce of any other country, it shall be lawful for Her Majesty, and she is hereby empowered, from time to time, by any Order or Orders in Council, to declare that from and after a day to be named in such order, brown, muscovado, or clayed sugars (not being refined) the growth of such country, in case such treaty shall continue to subsist, shall, if imported from such country, or from any British possession abroad, having been imported into such British possession from such country, be admitted to entry for consumption in the United Kingdom at the aforesaid respective rates of duty of 1*l*. 8*s*. and 1*l*. 8*s*. 4*d*. per hundred weight respectively, in like manner as sugars the growth and produce of China, Java, or Manilla; and from and after the day so to be named in such Order the sugars therein mentioned shall, if so imported as aforesaid, be so admitted accordingly, subject, nevertheless, to the production of the like certificates and the making of the like declaration as are hereinbefore required with respect to sugars the growth of China, Java, or Manilla.

VII. That in case the privileges granted by any treaty to any foreign country, in respect of which any Order in Council shall be issued under the enactment lastly hereinbefore contained, shall have been granted conditionally, such order shall expressly declare that such foreign country hath duly fulfilled the said conditions, and is entitled to the said privilege.

VIII. Provided and enacted, That if at any time satisfactory proof shall have been laid before Her Majesty in Council that as respects any British possession within the limits of the East India Company's charter the importation of foreign sugar has been prohibited, it shall and may be lawful for Her Majesty, and she is hereby empowered, from time to time, by any Order or Orders in Council, to declare that sugar and molasses the growth or produce of any such British possession may be imported from thence into the United Kingdom, and entered at the lower rates of duty hereinbefore imposed on sugar and molasses the growth or produce of British possessions within the limits of the East India Company's charter in which the importation of foreign sugar is prohibited; and from and after the publication of such order, whilst the same shall continue in force, the sugars and molasses therein mentioned may be so imported and entered accordingly.

IX. Provided and enacted, That any sugars or molasses the produce of any British possession within the limits of the East India Company's charter in which the importation of foreign sugar is or shall be prohibited, which shall be entered for home use at the lower rates of duty hereinbefore imposed on sugar and molasses the produce of such possessions, shall be entered in the same and the like manner and under the same or the like conditions in and under which sugar the growth of the Presidency of Bengal might be entered for home use under the provisions of 6 & 7 Will. 4. c. 26, intituled 'An Act for granting to His Majesty, until the 5th of July 1837, certain Duties on Sugar imported into the United Kingdom, for the service of the year 1836,' at the lower rate of duty therein mentioned.

X. That the respective bounties now payable on the exportation of certain descriptions of refined sugar from the United Kingdom, by 3 & 4 Will. 4. c. 58, intituled 'An Act to grant certain Bounties and Allowances of Customs,' and also by 1 & 2 Vict. c. 33, intituled 'An Act for granting to Her Majesty, until the 5th of July 1839, certain Duties on Sugar imported into the United Kingdom, for the service of the year 1838,' and by 7 & 8 Vict. c. 28. shall, from and after the 14th of March 1845, cease and determine; and that in lieu thereof there shall be paid and allowed the following bounties; that is to say,

Upon double refined sugar, or sugar equal in quality to double refined, for every hundred weight . . . . .	1 0 0
Upon other refined sugar, in loaf, complete and whole, or lumps duly refined, having been perfectly clarified and thoroughly dried in the stove, and being of an uniform whiteness throughout, or such sugar pounded, crashed, or broken, for every hundred weight . . . . .	0 17 0
Upon bastard or refined sugar, broken in pieces, or being ground or powdered sugar, pounded or crashed or broken, for every hundred weight . . . . .	0 14 0

XI. That the several duties, bounties and allowances by this Act imposed and allowed shall be under the management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, allowed, and applied, or appropriated under the provisions of 3 & 4 Will. 4. c. 56, intituled 'An Act for granting Duties of Customs,' and of 3 & 4 Will. 4. c. 58, intituled 'An Act to grant certain Bounties and Allowances of Customs,' and of any other Act or Acts in force relating to the Customs.

XII. That the Commissioners of Customs shall forthwith provide samples of white clayed sugar, and of sugar rendered by any process equal in quality to white clayed sugar, with reference to colour, grain, and saccharine matter, which samples shall be deemed to be standard samples, for the purpose of comparing therewith such white clayed sugar, or sugar rendered by any process equal in quality to white clayed sugar, as from and after the 14th of March 1845, may be entered for home consumption; and such standard samples shall from time to time be renewed whenever the said Commissioners may deem it expedient; and no sugar shall, as regards the payment of duty, be deemed or taken to be white clayed sugar, or sugar rendered by any process equal in quality to white clayed, unless it shall, with reference to colour, grain, and saccharine matter, equal the standard samples so respectively provided by the said Commissioners.

XIII. That it shall be lawful for Her Majesty, by an Order in Council, from time to time to revoke or alter any Order in Council previously made under the authority of this Act.



xiv. That every Order in Council to be made under the authority of this Act shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the *London Gazette*.

xv. That a copy of every Order of Her Majesty in Council made under the authority of this Act shall be laid before both Houses of Parliament within six weeks after issuing the same, if Parliament be then sitting, and if not then within six weeks after the commencement of the then next session of Parliament.

xvi. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

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CAP. VI.

AN ACT to repeal the Duties and Laws of Excise on Glass.

(24th April 1845.)

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ABSTRACT OF THE ENACTMENTS.

1. *After 5th of April 1845, the duties and drawbacks on glass to cease, save as herein excepted, and as to arrears and penalties.*
2. *The Treasury may grant an allowance in respect of the duties on the stock in hand of manufacturers of and dealers in crown or plate glass or manufacturers of bottle glass, of which an account has been taken by the officers of Excise.*
3. *Glass exported on Excise drawback not to be imported without repayment of such drawback.*
4. *Act may be altered this session.*

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By this Act,

After reciting that by 6 Geo. 4. c. 81. a certain duty of Excise is imposed for and upon every Excise licence to be taken out by every glass maker for each and every glass house: and by 1 & 2 Vict. c. 44. it is provided that upon all glass made in the United Kingdom there shall be charged and paid the several duties, and there shall be allowed and paid the several drawbacks, specified in the schedule to the last-mentioned Act annexed, and made part thereof: and by 3 & 4 Vict. c. 22. it is provided that upon all broad or spread glass there shall be charged and paid the same amount of duty, and there shall be allowed and paid the same drawbacks as on German sheet glass, under the provisions of the said recited Act, 1 & 2 Vict. c. 44; and by 7 & 8 Vict. c. 25. the duties and drawbacks granted and allowed by the said recited Act of 1 & 2 Vict. c. 44. upon flint glass are repealed, and other duties and drawbacks granted and allowed in lieu thereof: and that it is expedient that the said several duties and drawbacks should cease:—

It is Enacted,

I. That from and after the 5th of April 1845, all duties of Excise now payable upon or for or in respect of any glass maker or glass-house, or any glass made in the United Kingdom, and all drawbacks on the exportation of such glass from the United Kingdom shall cease, and be no longer charged, raised, levied, collected, allowed, or paid, and that the several Acts, clauses, provisions, and regulations for charging, raising, levying, collecting, allowing, and paying the said several duties and drawbacks shall not from and after the said 5th of April be enforced or executed; save and except for the purpose of recovering any duties incurred or charged on or before the said 5th of April, or any arrears thereof, the same not being duties charged on glass which has been warehoused on the manufacture thereof free of duty on or after the 15th of February 1845; and save and except for or in respect of any drawback payable under the said recited Acts or any of them for glass exported at any time previous to the 15th of June 1845, which glass has been packed for exportation under the usual regulations on or before the said 5th of April; and save and except for the purpose of recovering any fine, penalty, or forfeiture for the breach of any of the said Acts, clauses, provisions, or regulations committed previous to the said 5th of April; but that all such duties and arrears (not being as aforesaid), and all such fines, penalties, and forfeitures, may be recovered, levied, enforced, and applied, and all such drawbacks allowed and paid, in the same manner, and by the same powers and authorities, as if this Act had not been passed.

And after reciting that for the purpose of making certain allowances to manufacturers of and dealers in plate glass, crown or German sheet glass, and to manufacturers of bottle glass, made and manufactured in the United Kingdom, for and in respect of their stock in hand of such glass respectively, on which the respective duties thereon have been paid or secured to be paid, such glass has been permitted to be packed as the like goods when intended for exportation to foreign parts, and warehoused under the charge of the officers of Excise, or otherwise deposited with and taken account of by the officers of Excise:—

It is Enacted,

II. That upon all crown and German sheet glass, and upon all common bottles, vessels, and utensils of common bottle metal, which have been so warehoused, deposited, or taken account of as aforesaid, and which on or before the 12th of April 1845 are, on re-examination, found conformable to such previous account thereof as aforesaid, the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland may, for and in respect of the duties thereon respectively paid, allow to the manufacturers or dealers to whom such glass respectively belongs a sum of money equivalent to the drawback to which such glass respectively would have been entitled if the same respectively had been exported to foreign parts previous to the 6th of April 1845, deducting therefrom 25 per cent.; and that upon all plate glass which has

been so warehoused or taken account of as aforesaid, and which on or before the said 12th of April is, on re-examination, found conformable to such previous account thereof as aforesaid, the said Commissioners of Her Majesty's Treasury may, for and in respect of the duties thereon paid, allow to the manufacturers or dealers to whom such last-mentioned glass belongs the sum of 1s. 10½d. for every square foot of all rectangular pieces of such plate glass of six inches by four at the least, and not less than one-eighth of an inch in thickness, and the sum of 4l. 4s. for every hundred weight of such plate glass if polished, and not one-eighth of an inch in thickness, deducting 25 per cent. from the sum to be allowed as last mentioned.

III. That no glass or glass wares for or in respect whereof any drawback of Excise has been received or claimed on exportation from the United Kingdom shall be imported into the United Kingdom, unless by the special permission of the Commissioners of Her Majesty's Customs, and on repayment of such drawback; which drawback the said Commissioners of Customs shall collect, recover, and account for as Her Majesty's Duties of Customs, and under the laws and regulations in force relating to such duties at the time of such importation, and notwithstanding that such drawback on the exportation of the like goods from the United Kingdom is at that time repealed.

IV. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

## CAP. VII.

AN ACT to repeal the Duties of Customs due upon the Exportation of certain Goods from the United Kingdom.

(24th April 1845.)

## ABSTRACT OF THE ENACTMENT.

*Export duties on cement stone and flint, clay and china stone, coals, culm or cinders, repealed.*

By this Act,

After reciting that it is expedient that the duties of Customs upon cement stone and flint, ground or unground, clay and china stone, and also upon coals, culm, or cinders, exported in a British ship from the United Kingdom, should cease and determine:—

It is Enacted,

That on after the 12th of March 1845 the said duties shall be and are hereby repealed.

## CAP. VIII.

AN ACT for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

(24th April 1845.)

This Act contains the following clauses:—

- I. Number of the forces.—Crimes punishable by death.
- II. The ordinary course of law not to be interfered with.
- III. Soldiers not to be taken away from the service for debts under 30l.
- IV. The Queen may make articles of war in conformity with this Act.
- V. Constitution of courts-martial.
- VI. Composition of general courts-martial.
- VII. Powers of general courts-martial.
- VIII. Trial by general courts-martial for embezzlement.
- IX. Powers of district or garrison courts-martial.
- X. Regimental courts-martial.
- XI. Forfeiture of pay and pension by desertion or felony; and marking a deserter.
- XII. Powers of a detachment court-martial out of Her Majesty's dominions.
- XIII. Mixture of officers upon courts-martial.

- xiv. Punishment of offenders to commence at expiration of sentence for previous offences.
- xv. Proceedings of courts-martial.
- xvi. Appeal.
- xvii. Report of proceedings of general, district, or garrison courts-martial.
- xviii. Transportation from the United Kingdom.
- xix. Transportation from the colonies.
- xx. Offences against former Mutiny Acts may be tried under this Act.
- xxi. Subsequent enlistment no protection from punishment for desertion.
- xxii. Apprehension of deserters.
- xxiii. Fraudulent confession of desertion.
- xxiv. Recruits deserting liable to be transferred to the nearest regiment or depot.
- xxv. Penalty for inducing or assisting to desert.
- xxvi. Penalty for forcible entry.
- xxvii. Term of imprisonment to commence on the day of signing the original sentence, and place of imprisonment to be appointed by the officer commanding the district, &c.—Proviso for removal of prisoners.
- xxviii. Secretary at War may set apart buildings as military prisons, and appoint officers, and make rules and regulations for government of the same.
- xxix. Custody of offenders under a military sentence.
- xxx. Subsistence of soldiers, and custody and subsistence of deserters, in gaols, &c.
- xxxi. Notice of expiration of imprisonment.
- xxxii. Persons subject to this Act.
- xxxiii. Foreign troops in this country.
- xxxiv. Militia and yeomanry.
- xxxv. Act to extend to Jersey, Guernsey, &c.
- xxxvi. Enlisting and swearing of recruits.
- xxxvii. Dissent and relief from enlistment.
- xxxviii. Offences connected with enlistment.
- xxxix. Penalty on officers offending against laws regarding enlistment.
- xl. Enlistment and re-enlistment abroad.
- xli. Enlistment of negroes.
- xlvi. Apprentice enlisting to be liable to serve after the expiration of his apprenticeship.
- xlvi. Claims of masters to apprentices.
- xliv. Punishment of apprentices enlisting.
- xlvi. Musters, and penalty on false musters.
- xlvi. Forfeiture of pay.
- xlvi. Extension of furlough in case of sickness.
- xlvi. Marching money on discharge.
- xlvi. Commissaries to attest their accounts.
- l. Issue of pay of the army.
- li. Penalty for disobedience by agents.
- lii. How and where troops may be billeted.
- liii. Billetting the guards in and near Westminster.
- liv. Military officers not to act as Justices in billetting.
- lv. Allowance to innkeepers.
- lvi. Definition of terms.—Powers and regulations as to billets.—Exemptions from billets.
- lvii. Supply of carriages.
- lviii. Rates to be paid for carriages, and regulations relating thereto.
- lix. Supply of carriages in cases of emergency.
- lx. Justices empowered to reimburse constables for sums expended by them.
- lxi. Routes in Ireland.
- lxii. Tolls.
- lxiii. Ferries.
- lxiv. Penalties upon civil subjects offending against the laws relating to billets and carriages.
- lxv. Penalties upon the military so offending.
- lxvi. Penalty on purchasing soldiers' necessities, stores, &c.

- LXVII. Penalty on unlawful recruiting.
- LXVIII. Penalty on trafficking in commissions.
- LXIX. Penalty on killing game.
- LXX. Officers not liable to take parish apprentices.
- LXXI. Mode of recording a soldier's settlement.
- LXXII. Notification to parishes of good or bad conduct of soldiers.
- LXXIII. Wages of servants enlisting.
- LXXIV. Licences of canteens.
- LXXV. Attestation of accounts.
- LXXVI. Form of actions at law.
- LXXVII. Recovery of penalties.
- LXXVIII. Appropriation of penalties.
- LXXIX. Administration of oaths.—Perjury.
- LXXX. Duration of the Act.
- LXXXI. Alteration of the Act.

## CAP. IX.

## AN ACT for the Regulation of Her Majesty's Royal Marine Forces while on shore.

(24th April 1845.)

This Act contains the following clauses :—

- I. Crimes punishable by death.
- II. The ordinary course of law not to be interfered with.
- III. Marines not to be taken away from the service for debts under 30*l*.
- IV. Lord High Admiral, &c. may make articles for the punishment of mutiny, desertion, &c.
- V. Lord High Admiral, &c. may grant commissions for holding general courts-martial, &c.
- VI. Composition of general courts-martial.
- VII. Courts-martial to administer oaths.
- VIII. Proceedings of courts-martial.
- IX. Officers of the marine and land forces may sit in conjunction on courts-martial.
- X. General courts-martial may sentence offenders to imprisonment, &c.
- XI. District or garrison courts-martial.
- XII. If no superior officer of land forces is present in command of a district, &c. an officer of marines may convene a court-martial.
- XIII. Divisional courts-martial.
- XIV. Detachment courts-martial.
- XV. Marking a deserter.
- XVI. Trial and punishment for embezzlement.
- XVII. Witnesses.
- XVIII. Transportation of offenders.
- XIX. Disposal of convict after sentence of transportation.
- XX. Marines sentenced to imprisonment to undergo sentence in such prison as the court, &c. shall appoint.—Discharge or removal of prisoners.
- XXI. Military prisons established under Act for punishing mutiny and desertion to be deemed public prisons.
- XXII. Term of imprisonment of offenders.—Place of imprisonment.
- XXIII. Place of confinement of offenders may be changed.
- XXIV. Offenders against former Mutiny Acts may be tried under this Act.—Limitation as to time.
- XXV. Appeal.—Revision of sentence.
- XXVI. Forfeiture of pay.
- XXVII. Report of proceedings of courts-martial.
- XXVIII. Subsequent enlistment no protection from punishment for desertion.
- XXIX. Apprehension of deserters.

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- XXX. Fraudulent confession of desertion.
- XXXI. Reward for apprehending marines attempting to desert.
- XXXII. Penalty for inducing or assisting to desert.
- XXXIII. Custody and subsistence of deserters.
- XXXIV. Notice of expiration of imprisonment.
- XXXV. Penalty for forcible entry.
- XXXVI. Enlisting and swearing of recruits.
- XXXVII. Dissent and relief from enlistment.
- XXXVIII. Apprentices enlisting to be liable to serve after the expiration of their apprenticeship.
- XXXIX. No apprentice claimed by his master shall be taken away without a warrant.—Punishment of apprentices enlisting.
- XL. Offences connected with enlistment.
- XLI. Yearly servants enlisting to be entitled to a proportion of their wages.
- XLII. Penalty on officers offending as to enlistment.
- XLIII. Claims of masters to apprentices.
- XLIV. Musters, and penalty on false musters.
- XLV. Verifying of muster rolls.
- XLVI. Extension of furlough in case of sickness.
- XLVII. Marching money on discharge.
- XLVIII. Billetting of marines.
- XLIX. Allowance to innkeepers.
- L. Supply of carriages.
- LI. Rates for carriages.
- LII. Providing for supply of carriages, &c. in cases of emergency.
- LIII. Justices of Peace to direct payment of sums expended for carriages, &c.
- LIV. Lord Lieutenant of Ireland may depute persons to sign routes.
- LV. Exemption from tolls.
- LVI. Penalties upon civil subjects offending against the laws relating to billets and carriages.
- LVII. Penalty upon officers of marines so offending.
- LVIII. Penalty for purchasing clothes, &c. from any marine.
- LIX. Penalty on officers killing game.
- LX. Officers not liable to take parish apprentices.
- LXI. Mode of recording a marine's settlement.
- LXII. Administration of oaths.—Perjury.
- LXIII. Licences of canteens.
- LXIV. Limitation of actions.
- LXV. Recovery of penalties.
- LXVI. Appropriation of penalties.
- LXVII. Definition of terms.—Marines not to be billeted in private houses, &c.
- LXVIII. Notification to parishes of good or bad conduct of marines.
- LXIX. Marines to be subject to the discipline of the navy while on board ship.
- LXX. Duration of Act.
- LXXI. Act may be amended.

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### CAP. X.

### AN ACT to make certain Provisions for Proceedings in Bastardy.

(8th May 1845.)

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#### ABSTRACT OF THE ENACTMENTS.

1. *Proceedings in bastardy according to the forms in the Schedule hereto valid.*
2. *Mother, when order has been quashed for defect in form, may apply again within six calendar months.*
3. *Form of recognizance to be given by the putative father.*

4. *Provision as to the mode of proceeding in cases of applications by women who are pregnant.*
5. *Putative father may abandon his appeal, and his recognizance shall not be estreated.*
6. *The mother of the bastard child to be examined by the Court of Quarter Sessions, on appeal against the order in bastardy; but no order to be confirmed unless her evidence is corroborated.*
7. *Parties may be heard at the petty session by counsel or attorney.*
8. *Default of sufficient distress within the jurisdiction of the Justices to warrant the commitment to prison.*
9. *Magistrates of police courts may act alone in cases of bastardy.*
10. *"Petty Sessional Division," what to include.*
11. *Interpretation of the word "Recorder."*
12. *Act may be amended this session.*

By this Act,

After reciting that divers questions have been raised as to the validity of certain orders in bastardy made by Justices under the Act of the last session of Parliament, 7 & 8 Vict. c. 101, intituled 'An Act for the further Amendment of the Laws relating to the Poor in England,' which questions are wholly beside the merits of the cases; and it is desirable to remove such questions, and to prevent the recurrence of the same or similar questions in future:—

It is Enacted,

I. That where any proceedings have been had or taken before the passing of this Act, or shall hereafter be had or taken in matters of bastardy under the provisions of the said recited Act, and shall have been set forth according to the forms in the schedule hereunto annexed, or to the like tenor or effect, the same shall be taken respectively to have been and to be valid and sufficient in law; provided that nothing herein contained shall prevent any Court of General Quarter Sessions from proceeding to hear and determine the merits of any case brought before them on appeal against any such order, or apply to any order heretofore made or professed to have been made under the said Act, which shall have been quashed on appeal to any General Quarter Session of the Peace, or in respect whereof any writ of certiorari shall have been sued out of the Court of Queen's Bench, and served before the 26th of February last, or in place whereof any other order shall have been made.

II. That when any order made under the provision of the said Act prior to the passing of this Act shall have been or shall be quashed for any defect therein, and not upon the merits, it shall be lawful for the mother of the bastard child in whose favour such order shall have been made to take proceedings for the obtaining of another order, according to the provisions of the said Act, at any time within the space of six calendar months after the passing of this Act, although the period limited for her application to the Justice under the said Act shall have expired.

And after reciting that power is given by the said Act to the putative father to appeal against an order made upon him by the Justices in petty session assembled, giving notice of appeal as therein specified, and also sufficient security, by recognizance or otherwise, for the payment of costs, to the satisfaction of some one Justice of the Peace:—

It is Enacted,

III. That the condition of any such recognizance shall be for the appearance of the said putative father at such General Quarter Sessions of the Peace as is required by the said Act, and his trial of the appeal thereat, and the payment of such costs as he shall be then and there ordered to pay; and that in respect of any order to be made after the passing of this Act the party entering into any such recognizance shall forthwith give or send a notice in writing of his having so entered into such recognizance to the woman in whose favour the said order shall have been made, and unless he shall enter into the recognizance before one of the Justices who shall have made the order, to one at least of such Justices; and in default of his giving or sending such notice or notices as aforesaid the appeal shall not be allowed; provided that the sending of such notice or notices by the post shall be taken to be sufficient.

And after reciting that it is enacted by the said Act, that any single woman who may be with child may apply to a Justice of the Peace as therein described for a summons to be served upon the man alleged by her to be the father of such child, and that such Justice shall thereupon issue his summons to such man to appear at a petty session, as therein also set forth, and power is given to such woman after the birth of the child to apply to the Justices at such petty session for an order upon the person so alleged by her to be the father of such child; but doubts are entertained as to the time which shall be fixed by such Justice for the appearance of the said man so summoned at petty session, and it is desirable to remove the same:—

It is Enacted,

IV. That the said Justice to whom any application shall be made by any such woman being pregnant shall summon the man to appear at some petty session at which he usually acts to be held on a day after the time when the said mother shall expect the child to be born, provided that if on such day the woman shall not have been delivered, or the Justices shall be satisfied that she has been delivered at so short a period before such day that she cannot appear at the said session, it shall be lawful for the Justices thereat to adjourn the hearing of the said case until some other day, and so from time to time until the child shall have been born, and the woman shall be able to attend at the said session; and it shall be lawful for the Justices at their petty session to make an order in respect of any such application so made by such woman so pregnant to a Justice as aforesaid, if she apply at such petty session within the space of two calendar months from the birth of the child, although more than forty days shall have elapsed from the time when the summons was served upon the alleged father, or was left at his last place of abode.

V. That if at any time before the hearing of the appeal the putative father who shall have entered into any such recognizance shall give notice in writing of his abandonment of the appeal, to the mother of the child in whose favour the order shall have been made, and to the Justice or Justices before whom the said recognizance shall have been taken, and shall pay or tender

to the said mother all sums then due under the said order, and such costs and expenses as she shall have incurred by reason of such notice of appeal, the said recognizance so entered into by the said putative father shall not be estreated, nor in any manner put in force or otherwise proceeded with.

And after reciting that by the said recited Act it is enacted, that where any woman shall apply to the Justices at a petty session for an order upon the person whom she shall allege to be the father of her bastard child, such Justices shall hear the evidence of such woman, and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father, and if the evidence of the said mother be corroborated in some material particular by other testimony, to the satisfaction of the said Justices, they may make such order as is therein set forth: And that power is thereby given to the putative father to appeal to the General Quarter Sessions of the Peace against such order, but it is not therein set forth what evidence the said General Quarter Sessions shall or may hear on the trial of such appeal, and doubts have been raised as to whether the said mother can be heard by the said Court of Quarter Sessions;—

It is Enacted,

VI. That on the trial of any such appeal before any Court of Quarter Sessions the Justices therein assembled, or the Recorder (as the case may be), shall hear the evidence of the said mother, and such other evidence as she may produce, and any evidence tendered on behalf of the appellant, and proceed to hear and determine the said appeal in other respects according to law, but shall not confirm the order so appealed against unless the evidence of the said mother shall have been corroborated in some material particular by other testimony, to the satisfaction of the said Justices in Quarter Session assembled, or the said Recorder.

VII. That it shall be lawful for any woman who shall apply to the Justices at any petty session for any such order as aforesaid to be assisted in her application by counsel or attorney, and for any person summoned under the said Act, 6 & 7 Will. 4. c. 114. to appear at any such petty session as the alleged putative father to appear and make his answer thereto by counsel or attorney; and it shall be lawful for either of such parties to have all witnesses examined and cross-examined by such counsel or attorney.

And after reciting that it is provided in the said first-recited Act, that if default be made by the putative father in payment of the sums ordered to be paid to the mother of a bastard child, any Justice may by warrant cause such putative father to be brought before any two Justices; and it is further provided, that such two Justices may by warrant direct the sum appearing to be due under any such order, and the costs, to be recovered by distress and sale of the goods and chattels of such putative father; and if upon the return of such warrant, or if, by the admission of such putative father, it appears that no sufficient distress can be had, then any such two Justices may cause such putative father to be committed to prison: And that doubts have been entertained whether such power of committal exists where it is shewn that the putative father has goods and chattels whereon a distress might be levied, but the same are not within the jurisdiction of such Justices:—

It is declared and Enacted,

VIII. That the said Justices are and shall be empowered to commit any such putative father to prison, according to the provisions of the said Act, if it appear on the return of such distress warrant, or on the admission of the putative father, that no sufficient distress can be had on any goods and chattels within the jurisdiction of the Justices before whom he shall have been brought on such warrant of apprehension.

IX. Declared and enacted, That any one magistrate of the police courts of the metropolis, sitting at a police court within the Metropolitan Police district, has and shall have full power to issue summonses for the appearance of parties and witnesses before such police court, and to do alone any other thing in any matter of bastardy arising under the said Act, within those parts of the said district for which a police court has been or shall be established, which may be done by any Justices at a petty session holden for their several petty sessional divisions in any such matter arising within their divisions respectively, and that the sitting of such magistrate at such police court shall be within all the provisions of the said Act and of this Act concerning a petty session of Justices.

X. That the term "Petty sessional division" in the said Act and this Act shall be taken to include any division of a county, riding, or division having a separate commission of the peace in which one or more petty sessions have been or shall be usually held, or any division for the holding of special sessions formed or to be formed under the provisions of the Act, 9 Geo. 4. c. 43, intituled, 'An Act for the better Regulation of Divisions in the several Counties of England and Wales,' or of the Act, 6 & 7 Will. 4. c. 114; and that where there are two or more petty sessions usually held in any such division, or where any Justice acts for two or more of such divisions, he shall require the party whom he shall summon under the authority of the said first-recited Act, 7 & 8 Vict. c. 101, to appear at the petty session to be held in any such division, as he shall deem fit.

XI. That in the said first-recited Act, 7 & 8 Vict. c. 101, and in this Act, the word "Recorder" shall be taken to apply to any person who shall preside as the Judge at any Court of General or Quarter Session held for any city, borough, liberty, or other place of limited jurisdiction.

XII. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

## SCHEDULE referred to by the foregoing Act.

## No. 1.

*Form of Application by Woman with Child.*

to wit. } APPLICATION and Deposition of a single Woman, residing at in the County  
 } (a) of taken upon Oath before me, the undersigned One of Her Majesty's  
 Justices of the Peace acting for the (a) *Petty Sessional Division of* in the said County of in which she  
 resides, this Day of in the Year of our Lord One thousand eight hundred and forty who  
 upon her Oath (b) saith, that she is now with Child, and that of in the County of  
 is the Father of the Child with which she is now pregnant, and maketh Application for a Summons to be served upon the said  
 so alleged by her to be the Father of the said Child, to appear at a Petty Session to be holden after the Birth  
 of such Child for the *Petty Sessional Division* (a) of in which I usually act, to answer such  
 Complaint as she shall then and there make touching the Premises.  
 Exhibited and sworn before me, the Day }  
 and Year first above written.

## No. 2.

*Form of Summons on Application by Woman with Child.*

to wit. } To of the Parish of in the County of  
 } WHEREAS an Application hath been made to me, the undersigned, One of Her Majesty's Justices of the  
 Peace for the (a) County of by single Woman, residing at in the (a) *Petty*  
*Sessional Division of the said County* for which I act, now with Child, of which Child she hath this Day duly sworn on oath (c)  
 before me the said Justice that you are the Father, for a Summons to be served on you to appear at a Petty Session, according  
 to the Form of the Statute in such Case made and provided.  
 These are therefore to require you to appear at the Petty Session of the Justices holden at being the Petty  
 Session for the *Division* (a) in which I usually act, on (d) the Day of at  
 in the Year of our Lord One thousand eight hundred and forty , to answer any Complaint which she shall then and  
 there make against you touching the Premises.

Herein fail you not.

Given under my Hand, at in the County (a) this Day of in the  
 Year of our Lord One thousand eight hundred and forty

Note.—If you neglect to appear at the Petty Sessions as above stated, the Justices, upon Proof that this Summons has been  
 duly served upon you, or left at your last Place of Abode, may proceed, if they think fit, at the Petty Sessions therein  
 named, to make an order upon you, as the putative Father of the Child above referred to, to pay a weekly Sum to the said  
 Mother for its Maintenance, and other Sums for Costs and Expenses.

## No. 3.

*Application for a Summons by a Woman after Birth.*

to wit. } THE Information and Application of single Woman, residing at in the  
 } County of before me, the undersigned One of Her Majesty's Justices of  
 the Peace acting for the (e) *Petty Sessional Division of* in the said County of in which  
 she resides, this Day of in the Year of our Lord One thousand eight hundred and forty  
 who saith, that she hath been delivered of a Bastard Child since the passing of the Act of the Eighth Year of the Reign of  
 Her present Majesty, intituled 'An Act for the further Amendment of the Laws relating to the Poor in England,' and within  
 Twelve Calendar Months before this Day, to wit, on the Day of in the Year of our Lord One  
 thousand eight hundred and forty and alleges that one of in the County of is the  
 Father of such Child, and maketh Application to me for a Summons to be served upon the said to appear  
 at a Petty Session to be holden for the *Petty Sessional Division* (e) in which I usually act, to answer such  
 Complaint as she shall then and there make touching the Premises.  
 Exhibited before me, the Day and }  
 Year first above written.

## No. 4.

*Summons where the Application is made by Woman after Birth.*

to wit. } To of the Parish of in the County of  
 } WHEREAS Application hath been this Day made to me, the undersigned, One of Her Majesty's Justices of  
 the Peace for the (f) of by single Woman, residing at in the (a)

(a) Or City, Borough, or other Place.

(b) Or Affirmation.

(c) Or affirmed.

(d) Insert some Day when the Petty Session will be held after the Birth of the Child, and at such a Distance of Time that Six Days  
 at least may elapse after the issuing of the Summons and the Service on the Man, or at his Place of Abode, before the Petty Session.

(e) Or City, Borough, or other Place, as the Case may be.

(f) Or County, City, or Borough, or other Place, as the Case may be.



*Petty Sessional Division of the said County* for which I act, who hath been delivered of a Bastard Child since the passing of the Act of the Eighth Year of the Reign of Her present Majesty, intituled, 'An Act for the further Amendment of the Laws relating to the Poor in England,' within Twelve Calendar Months from the Date hereof, and of which Bastard Child she alleges you to be the Father, for a Summons to be served upon you to appear at a Petty Session of the Peace, according to the Form of the Statute in such Case made and provided.

These are therefore to require you to appear at the Petty Session of the Justices holden at \_\_\_\_\_ being the Petty Session for the *Division* (a) \_\_\_\_\_ in which I usually act, on (b) \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ at \_\_\_\_\_ of the Clock in the \_\_\_\_\_ noon in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_ to answer any Complaint which she shall then and there make against you touching the Premises.

Herein fail you not.

Given under my Hand, at \_\_\_\_\_ in the County (a) \_\_\_\_\_ this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_.

Note.—If you neglect to appear at the Petty Sessions as above stated, the Justices, upon Proof that this Summons has been duly served upon you, or left at your last Place of Abode, may proceed, if they think fit, to make an Order upon you, as the putative Father of the Child above referred to, to pay a weekly Sum to the said Mother for its Maintenance, and other Sums for Costs and Expenses.

#### No. 5.

*Application for a Summons by a Woman after Birth, where the alleged Father has paid Money within Twelve Months after the Birth.*

to wit. } THE Information and Application of \_\_\_\_\_ single Woman, residing at \_\_\_\_\_ in the County \_\_\_\_\_ of \_\_\_\_\_ before me, the undersigned \_\_\_\_\_ One of Her Majesty's Justices of the Peace acting for the (c) *Petty Sessional Division* of \_\_\_\_\_ in the said County of \_\_\_\_\_ in which she resides, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_ who saith that she hath been delivered of a Bastard Child more than Twelve Calendar Months before this Day, to wit, on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_ and alleges that one \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ is the Father of such Child, and having given Proof to me that the said \_\_\_\_\_ did within the Twelve Calendar Months next after the Birth of such Child pay Money for its Maintenance, maketh Application to me for a Summons to be served upon the said \_\_\_\_\_ to appear at a Petty Session to be holden for the *Petty Sessional Division* (c) \_\_\_\_\_ in which I usually act, to answer such Complaint as she shall then and there make touching the Premises.

Exhibited before me, the Day and }  
Year first above written. }

#### No. 6.

*Summons when the Application is made by a Woman after Birth, where the alleged Father has paid Money within Twelve Months after the Birth.*

to wit. } To \_\_\_\_\_ of the Parish of \_\_\_\_\_ in the County of \_\_\_\_\_ WHEREAS Application hath been this Day made to me, the undersigned, One of Her Majesty's Justices of the Peace for the (d) \_\_\_\_\_ of \_\_\_\_\_ by \_\_\_\_\_ single Woman, residing at \_\_\_\_\_ in the (a) *Petty Sessional Division* of the said County for which I act, who hath been delivered of a Bastard Child more than Twelve Calendar Months before this Day, of which Bastard Child she alleges you to be the Father, and for the Maintenance whereof she hath given me Proof that you did within the Twelve Calendar Months next after its Birth pay Money, for a Summons to be served upon you to appear at a Petty Sessions of the Peace, according to the Form of the Statute in such Case made and provided.

These are therefore to require you to appear at the Petty Session of the Justices holden at \_\_\_\_\_ being the Petty Session for the *Division* (a) \_\_\_\_\_ in which I usually act, on (b) \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ at \_\_\_\_\_ of the Clock in the \_\_\_\_\_ noon in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_ to answer any Complaint which she shall then and there make against you touching the Premises.

Herein fail you not.

Given under my Hand, at \_\_\_\_\_ in the County (a) \_\_\_\_\_ this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_.

Note.—If you neglect to appear at the Petty Sessions, as above stated, the Justices, upon Proof that this Summons has been duly served upon you, or left at your last Place of Abode, may proceed, if they think fit, to make an Order upon you, as the putative Father of the Child above referred to, to pay a weekly Sum to the said Mother for its Maintenance, and other Sums for Costs and Expenses.

(a) Or City, Borough, or other Place.

(b) Insert some Day, at least Six Days after the Date of the Summons, and after the Day when the same can be served upon the Man, or at his Place of Abode.

(c) Or City, Borough, or other Place, as the Case may be.

(d) Or County, City, Borough, or other Place, as the Case may be.

## No. 7.

*Form of Order when Application was made by a Woman with Child.*

to wit. } At a Petty Session of Her Majesty's Justices of the Peace for the County (a) of holden in  
 on the } and for the (a) Division of in the said County (a), at  
 forty before us Day of Her Majesty's Justices of the Peace for the said (a) County.  
 WHEREAS one single Woman, residing at within this (a) Division being with  
 Child did on the Day of in the Year of our Lord One thousand eight hundred and forty  
 make application to One of Her Majesty's Justices of the Peace acting for this (a) Division, for a  
 Summons to be served upon one of the Parish of in the County (a) of  
 whom she, being duly sworn before the said upon her Oath stated (b) to be the Father of the Child with  
 which she was then pregnant; and the said Justice thereupon issued his Summons to the said to appear  
 at a Petty Session to be holden on this Day for this Division (a) in which the said Justice usually acts, to answer her Complaint  
 touching the Premises: And whereas the said hath been lately delivered of a Bastard Child: And  
 whereas the said having been duly served with the said Summons, and appearing in pursuance thereof (c)  
 ; and the said having now applied to us, the Justices in Petty Sessions  
 assembled, for an Order upon the said according to the Form of the Statute in such case made and  
 provided; and it being now proved to us in the Presence and Hearing of the said (d) that the said Child  
 was, since the passing of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled 'An Act for the  
 further Amendment of the Laws relating to the Poor in England,' that is to say, on the Day of  
 in the Year of our Lord One thousand eight hundred and forty born a Bastard of the Body of the said  
 ; and we having, in the Presence and Hearing of the said (d) heard the  
 Evidence of such Woman and such other Evidence as she hath produced, and having also heard all the  
 Evidence tendered by (e) the said and the Evidence of the said  
 the Mother of the said Child, having been corroborated in some material Particular by other Testimony to our Satisfaction,  
 Do hereby adjudge the said to be the putative Father of the said Bastard Child; and having regard to  
 all the Circumstances of this Case, we do now hereby order, That the said do pay unto the said  
 the Mother of the said Bastard Child, so long as she shall live and shall be of sound Mind, and  
 shall not be in any Gaol or Prison, or under sentence of Transportation, or to the Person who may be appointed to have the  
 Custody of such Child under the Provisions of the said Statute, the sum of (f) per Week for the first Six  
 Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks the Sum of (g) per Week  
 until the said Child shall attain the Age of Thirteen Years, or shall die, or the said  
 shall marry: And we do hereby further order the said to pay to the said the Sum  
 of being the Costs incurred in obtaining this Order (h)  
 Given under our Hands and Seals, at the Session aforesaid.

## No. 8.

*Form of Order when Application was made by a Woman after Birth.*

to wit. } At a Petty Session of Her Majesty's Justices of the Peace for the County (a) of holden  
 on the } in and for the (a) Division of in the said (a) County, at  
 Day of in the Year of Our Lord One thousand eight hundred and forty before us  
 Her Majesty's Justices of the Peace for the said (a) County.  
 WHEREAS one single Woman, residing at within this (a) Division  
 did, on the Day of in the Year of our Lord One thousand eight hundred and  
 forty having been delivered of a Bastard Child within Twelve Calendar Months prior thereto, make Application  
 to One of Her Majesty's Justices of the Peace acting for this (a) Division, for a Summons to be served  
 upon one of whom she alleged to be the Father of the said Child (i); and the said

(a) Or City, Borough, or other Place, as the Case may be.

(b) Or affirmed.

(c) Insert here, if the Defendant do not appear, "Six Days at least before this Day, as is now proved before us," or "the same having been left at his last Place of Abode Six Days at least before this Day, as is now proved before us," and erase the Words in Italics.

(d) Should the Defendant not appear, erase the words in Italics.

(e) Should the Defendant appear by Attorney or Counsel, it will be then only necessary to erase the Word "by" and add "on behalf of"; but should he not appear himself, or by Attorney or Counsel, then erase the Words in Italics.

(f) Not to exceed Five Shillings. If the Justices decline to allow the Payment, from the Birth, of any Sum, erase the Words in Italics, and before the Word "until" insert the Time from which Payment is to be made, according to their Judgment.

(g) Not to exceed Two Shillings and Sixpence.

(h) If the Justices should decide upon allowing such Expences, insert here, "and the Sum of Ten Shillings for the Midwife."

(i) When the Application is made after the expiration of Twelve Months from the Birth, but the alleged Father has paid Money for the Maintenance of the Child, for the Word "within" substitute the Words "more than"; and after the Word "Child" insert "and who was proved before the said Justice to have paid Money for the Maintenance of the said Child within Twelve Calendar Months after its Birth."

Justice thereupon issued his Summons to the said \_\_\_\_\_ to appear at a Petty Session to be holden on this Day for this (a) *Division* \_\_\_\_\_ in which the said Justice usually acts, to answer her Complaint touching the Premises:

And whereas the said \_\_\_\_\_ having been duly served with the said Summons within Forty Days from this Day (b) \_\_\_\_\_ (c) *and now appearing in pursuance thereof* \_\_\_\_\_ and the said \_\_\_\_\_ having now applied to us the Justices in Petty Session assembled, for an Order upon the said \_\_\_\_\_ according to the Form of the Statute in such Case made and provided; and it being now proved to us, in the Presence and Hearing of the said (d) \_\_\_\_\_ that the said Child was, since (e) the passing of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled 'An Act for the further Amendment of the Laws relating to the Poor in England,' (that is to say) on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and forty born a Bastard of the Body of the said \_\_\_\_\_; and we having, in the Presence and Hearing of the said (d) \_\_\_\_\_ heard the Evidence of such Woman \_\_\_\_\_ and such other evidence as she hath produced, *and having also heard all the Evidence tendered by (f) \_\_\_\_\_ the said \_\_\_\_\_ and the Evidence of the said \_\_\_\_\_ the Mother of the said Child, having been corroborated in some material Particular by other Testimony to our Satisfaction, Do hereby adjudge the said \_\_\_\_\_ to be the putative Father of the said Bastard Child; and, having regard to all the Circumstances of this Case, we do now hereby order, That the said \_\_\_\_\_ do pay unto the said \_\_\_\_\_ the Mother of the said Bastard Child, so long as she shall live and shall be of sound Mind, and shall not be in any Gaol or Prison, or under Sentence of Transportation, or to the Person who may be appointed to have the Custody of such Bastard Child under the Provisions of the said Statute the Sum of (g) \_\_\_\_\_ per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six weeks the Sum of \_\_\_\_\_ per Week until the said Child shall attain the Age of Thirteen Years, or shall die, or the said \_\_\_\_\_ shall marry: And we do hereby further order the said \_\_\_\_\_ to pay to the said \_\_\_\_\_ the Sum of \_\_\_\_\_ being the Costs incurred in obtaining this Order (h) \_\_\_\_\_*

Given under our Hands and Seals, at the Session aforesaid.

## No. 9.

*Common Form of Recognizance, with the following Condition.*

to wit. } WHEREAS by an Order under the Hands and Seals of \_\_\_\_\_ assembled at a Petty Session of Her Majesty's Justices of the Peace for the (i) *County of* \_\_\_\_\_ holden in and for the \_\_\_\_\_ (i) *Division of* \_\_\_\_\_ in the said County, at \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and forty the said \_\_\_\_\_ was adjudged to be the putative Father of a Bastard Child, of which one \_\_\_\_\_ had been then lately delivered, and was ordered to pay to her certain Sums of Money therein set forth: And whereas the said \_\_\_\_\_ hath given to the said \_\_\_\_\_ Notice of his Intention to appeal against the said Order to the General Quarter Session of the Peace to be holden (k) on \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ next for the County of \_\_\_\_\_ on the \_\_\_\_\_ Quarter Session of the Peace to be held at \_\_\_\_\_ in and for the (i) *County of* \_\_\_\_\_ do appear at the General Quarter Session of the Peace to be held at \_\_\_\_\_ in the Year of our Lord one thousand eight hundred and forty and then and there try such Appeal, and pay such Costs as shall be by the said Court awarded, then this Recognizance to be void.

Taken and acknowledged this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_ at \_\_\_\_\_ in the County of (i) \_\_\_\_\_ before me, the undersigned, One of Her Majesty's Justices of the Peace for the said County. (i)

(a) Or City, Borough, or other Place, as the Case may be.

(b) If the Order be made at an adjourned Session, insert the Day of the Commencement of the Session, adding these Words, "from which Day the hearing of this Case hath been adjourned," and erase the words "this Day."

(c) If the Defendant do not appear, insert here, "and Six Days at least before this Day, as is now proved before us," or "the same having been left at his last Place of Abode Six Days at least before this Day, as is now proved before us," and erase the words which follow in Italics.

(d) Should the Defendant not appear, erase the Words in Italics.

(e) Or within Six Calendar Months before.

(f) Should the Defendant appear by Attorney or Counsel, it will be then only necessary to erase the Words "by" and add "on behalf of"; but should he not appear himself, or by Attorney or Counsel, then erase the Words in Italics.

(g) Not to exceed Five Shillings. This larger amount for the Six Weeks cannot be allowed, unless the application has been made within Two Calendar Months after the Birth. If the Application has not been made within this Time, or the Justices do not think it right to allow that or any less Sum from the Birth, erase the Words in Italics, and proceed thus: "\_\_\_\_\_ per Week from the said \_\_\_\_\_ Day of \_\_\_\_\_ last, being the Day upon which such Application was made to the said Justice as aforesaid."

(h) If the Justices should decide upon allowing such Expenses, insert here, "and the Sum of Ten Shillings for the Midwife."

(i) Or City, Borough, or other Place.

(k) If the Notice of Appeal do not set out the Day on which the Quarter Session is to be holden, this Recital and the Condition must be altered accordingly.

## No. 10.

*Information of the Mother on Disobedience to the Order.*

to wit. } THE Information and Complaint of of the Parish of in the County (a) of  
 Justices of the Peace for the said County (a), the (c) single Woman, taken upon Oath (b) before me One of Her Majesty's  
 thousand eight hundred and forty who saith, that by an Order made under the Authority of the Statute in the Year of our Lord One  
 passed in the Eighth Year of the Reign of Her present Majesty, intituled, 'An Act for the further Amendment of the Laws relating to the Poor in England,' at the Petty Session holden in and for the Division of (a) in the County of (a)  
 on the Day of in the Year of our Lord One thousand eight hundred and forty  
 by Her Majesty's Justices of the Peace in and for the said County (a) acting for the  
 said Division (a) then and there assembled, of in the County of  
 was adjudged to be the putative Father of a Bastard Child, then lately born of her Body, and that in and by  
 the said Order it was ordered that the said should pay to her the said so long as she should  
 live or should be of sound Mind, and should not be in any Gaol or Prison, or under Sentence of Transportation, or to the  
 Person who might be appointed to have the Custody of such Bastard Child, under the Provisions of the said Statute, the Sum  
 of per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six  
 Weeks (d) the sum of per Week until such Child should attain the Age of Thirteen Years, or should die, or  
 she the said Mother should marry, and the Sum of Ten Shillings for the Midwife, and the Sum of for the Costs  
 incurred in the obtaining such Order.

And this deponent further saith, that the said hath had due notice of the said Order, and that the said  
 Bastard Child is now living under the Age of Thirteen Years, and that she the said Deponent hath not been married since  
 the said Order was made, and that the Payments directed to be made by the said Order have not been made according thereto  
 by the said and that there is now in arrear for the same the Sum of being the Amount of  
 Arrears for Weeks Payments, and Ten Shillings for the Midwife, and the Sum of for the Costs  
 incurred in the obtaining such Order; and this Informant therefore prays Justice in the Premises.

Exhibited and sworn before me, the Day and Year first above }  
 written, at in the County (a)

## No. 11.

*Warrant of Apprehension for Disobedience of Order.*

to wit. } To the Constable of in the County (a) of and all Her Majesty's Officers of the  
 Peace in and for the said County (a) whom these may concern.

WHEREAS Information and Complaint have been made upon Oath (b) before me, One of Her Majesty's Justices of the  
 Peace for the County (a) of the Day of in the Year of our Lord One thousand  
 eight hundred and forty by of the Parish of in the County (a) of  
 single Woman, that by an Order made under the Authority of the Statute passed in the Eighth Year of the Reign of Her  
 present Majesty, intituled 'An Act for the further Amendment of the Laws relating to the Poor in England,' at the Petty  
 Session holden in and for the Division (a) of in the County (a) of on the Day  
 of in the Year of our Lord One thousand eight hundred and forty by Her Majesty's Justices  
 of the Peace in and for the said County (a) acting in and for the said Division (a) then and there assembled  
 of in the County of was adjudged to be the putative Father of a Bastard Child, then lately  
 born of her Body, and that in and by the said Order it was ordered that the said should pay to her the said  
 so long as she should live and should be of sound Mind, and should not be in any Gaol or Prison, or under  
 Sentence of Transportation, or to such Person as might be appointed to have the Custody of such Bastard Child, under the  
 Provisions of the said Statute, the Sum of per Week for the first Six Weeks from the Birth of the said Child, and  
 from the Expiration of such Six Weeks the Sum of per Week until such Child should attain the Age of Thirteen  
 Years, or should die, or she the said Mother should marry, and the Sum of Ten Shillings for the Midwife, and the Sum of  
 for the Costs incurred in obtaining such Order; and that the said had had due Notice of the  
 said Order, and that the said Bastard Child is now living under the Age of Thirteen Years, and that she the said Mother hath  
 not been married since the said Order was made, and that the Payments directed to be made by the said Order have not been  
 made according thereto by the said and that there is now in arrear for the same the Sum of  
 being the Amount of Arrears for Weeks Payments, and Ten Shillings for the Midwife, and the Sum of  
 for the Costs incurred in the obtaining such Order.

These are, therefore, in Her Majesty's Name, to command you, the said Constable, or other Officers of the Peace, or some  
 or one of you, forthwith to apprehend the said and convey him before Two of Her Majesty's Justices of the  
 Peace in and for the said County (a), to answer the Premises, and be dealt with according to Law.

Given under my Hand and Seal, at in the County (a) of this Day of  
 in the Year of our Lord One thousand eight hundred and forty

(a) Or City, Borough, or other place.

(b) Or Affirmation.

(c) This must not be before the Expiration of One Calendar Month from the Order.

(d) If the Sum for the first Six Weeks should not have been ordered, erase the Words in Italics.

## No. 12.

*Warrant of Distress against the putative Father.*

to wit. } To the Constable of \_\_\_\_\_ in the County of \_\_\_\_\_  
 our Lord One thousand eight hundred and forty \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of  
 Majesty's Justices of the Peace in and for the said County (a) by \_\_\_\_\_ made upon Oath (b) before \_\_\_\_\_ One of Her  
 of \_\_\_\_\_ single Woman, that by an Order made at the Petty Session holden in and for the \_\_\_\_\_ Division (a) of \_\_\_\_\_  
 \_\_\_\_\_ in the County of (a) \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord  
 One thousand eight hundred and forty \_\_\_\_\_ by Her Majesty's Justices of the Peace in and for the said County (a) acting  
 in and for the said Division (a) then and there assembled \_\_\_\_\_ of \_\_\_\_\_ in the County (a) of \_\_\_\_\_  
 was adjudged to be the putative Father of a Bastard Child, then lately born of her Body, and that in and by the said Order it  
 was ordered that the said \_\_\_\_\_ should pay to her the said \_\_\_\_\_ so long as she should be of sound Mind,  
 and should not be in any Gaol or Prison, or under Sentence of Transportation, or to the Person who might be appointed  
 to have the Custody of the said Child under the Provisions of the said Statute, the Sum of \_\_\_\_\_ per Week for the  
 first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks the Sum of \_\_\_\_\_ per Week  
 until such Child should attain the Age of Thirteen Years, or should die, or she the said Mother should marry, and the Sum of \_\_\_\_\_  
 Ten Shillings for the Midwife, and the Sum of \_\_\_\_\_ for the Costs incurred in obtaining such Order; and that the said  
 had had due Notice of the said Order, and that the said Bastard Child was then living under the Age of  
 Thirteen Years, and that she the said Mother had not been married since the said Order was made, and that the Payments  
 directed to be made by the said Order had not been made according thereto by the said \_\_\_\_\_ and that there was  
 then in arrear for the same the Sum of \_\_\_\_\_ being the Amount of Arrears for \_\_\_\_\_ Weeks Payments,  
 and Ten Shillings for the Midwife, and the Sum of \_\_\_\_\_ for Costs incurred in obtaining such Order.

And whereas the said Justice, by Warrant under his Hand and Seal directed to the Constable of the said Parish of  
 and all Her Majesty's Officers of the Peace in and for the said County (a), commanded him, or some or one of them, forthwith  
 to apprehend the said \_\_\_\_\_ and to convey him before Two of Her Majesty's Justices of the Peace for the said  
 County (a), to answer the Premises, and be dealt with according to Law. Whereupon the said \_\_\_\_\_ being now  
 brought before us, Two of Her Majesty's Justices of the Peace for the said County (a), to shew cause why the same should not  
 be paid, hath not shewn any Cause why the same should not be paid; and the same duly appearing to us upon Oath to be  
 due from the said \_\_\_\_\_ under the said Order, together with the further Sum of \_\_\_\_\_ for the Costs  
 attending such Warrant, Apprehension, and bringing up of him the said \_\_\_\_\_ nevertheless neglects (c) to make  
 Payment of the said Sums due under the said Order, and the said Sums so due for such Costs.

These are therefore to require you forthwith to make Distress of the Goods and Chattels of the said  
 and if within the space of \_\_\_\_\_ Days next after such Distress by you taken the said Sums, together with the  
 reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and  
 Chattels so by you distrained, and out of the Money arising by such Sale thereof that you detain the said Sums, and also the  
 reasonable Charges of taking, keeping, and selling the said Distress, rendering the Overplus (if any), on Demand, unto the  
 said \_\_\_\_\_ and if no sufficient Distress can be found, that then you certify the same unto us, or unto (d)  
 Two of Her Majesty's Justices of the Peace acting for the said County (a), to the end that such further Proceedings may be  
 had therein as to Law doth appertain: And we further order you to make Return to this Warrant, on the  
 Day of \_\_\_\_\_ next, unto us or such Justices as aforesaid.

And whereas (e) the said \_\_\_\_\_ not having given sufficient Security, by way of Recognizance or otherwise, to our  
 Satisfaction, for his appearance on the Return of this Warrant, we do hereby further order you to detain the said  
 and keep him in safe Custody until the said Return can be conveniently made, and then bring him before us or such Justices as  
 aforesaid.

Given under our Hands and Seals, at \_\_\_\_\_ in the County (a) of \_\_\_\_\_ this \_\_\_\_\_ Day of \_\_\_\_\_  
 in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_

## No. 13.

*Form of Recognizance for Appearance at the Return of the Distress Warrant.*

## RECOGNIZANCE in the common Form, subject to the following Condition.

to wit. } WHEREAS the above-bounden \_\_\_\_\_ having been apprehended upon a Warrant issued under  
 \_\_\_\_\_ the Hand and Seal of \_\_\_\_\_ One of Her Majesty's Justices of the Peace in and for the  
 County (a) of \_\_\_\_\_ upon the Information and Complaint of \_\_\_\_\_ for Disobedience to an Order made  
 in the Petty Session holden in and for the Division (a) of \_\_\_\_\_ in the County of \_\_\_\_\_ on the \_\_\_\_\_  
 Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_ by Her Majesty's  
 Justices of the Peace then and there assembled, whereby he was adjudged to be the putative Father of a Bastard Child, lately  
 born of the Body of the said \_\_\_\_\_ single Woman, and ordered to pay certain Sums of Money as therein set  
 forth; and having been brought before \_\_\_\_\_ Two of Her Majesty's Justices of the Peace for the said County (a).  
 by virtue of the said Warrant, and having neglected (f) to make Payment of the Sums due from him under such Order,

(a) Or City, Borough, or other Place.

(b) Or Affirmation.

(c) Or refuses.

(d) If the Party give Security for his Appearance, insert the Names of the Justices before whom he is to appear, but should he not find such Security, insert the Word "any."

(e) Should the Party find Security for his Appearance on the Return of the Warrant, cross this Paragraph.

(f) Or refused.

together with the Costs attending such Warrant, Apprehension, and bringing of him up before such Justices, they have, by Warrant under their Hands and Seals, addressed to the Constable of the Parish of \_\_\_\_\_ directed the Sum so due, together with such Costs, to be recovered by Distress and Sale of the Goods and Chattels of the said \_\_\_\_\_ and have made the said Warrant returnable on the \_\_\_\_\_ Day of \_\_\_\_\_ to them, or unto Two Justices of the Peace acting for the said County (a).

Now the Condition of this Recognizance is such, that if the above-bounden \_\_\_\_\_ do appear before the Justices unto whom the said Warrant is made returnable on the Day so appointed for the Return thereof, to abide the further Proceedings thereon, then the same shall be of no effect, otherwise to remain in full force.

Taken and acknowledged the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_ at \_\_\_\_\_ in the County (a) of \_\_\_\_\_ before me the undersigned, one of Her Majesty's Justices of the Peace in and for the said County (a) of \_\_\_\_\_

## No. 14.

## Warrant of Commitment.

to wit. } To the Constable of \_\_\_\_\_ in the County (a) of \_\_\_\_\_ and to the Keeper of the (b) Common Gaol at \_\_\_\_\_ in the County of \_\_\_\_\_

WHEREAS Information and Complaint were, on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_ made upon Oath (c) before \_\_\_\_\_ One of Her Majesty's Justices of the Peace for the said County (a), by \_\_\_\_\_ of the Parish of \_\_\_\_\_ in the County (a) of \_\_\_\_\_ single Woman, that by an Order made under the Authority of the Statute passed in the Eighth Year of the Reign of Her present Majesty, intituled, 'An Act for the further Amendment of the Laws relating to the Poor in England,' at the Petty Session holden in and for the Division (a) of \_\_\_\_\_ in the County of \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_ by Her Majesty's Justices of the Peace for the said County (a) acting in and for the said Division (a), \_\_\_\_\_ then and there assembled, \_\_\_\_\_ of \_\_\_\_\_ in the County (a) of \_\_\_\_\_ was adjudged to be the putative Father of a Bastard Child then lately born of her Body; and that in and by the said Order it was ordered that the said \_\_\_\_\_ should pay to her the said \_\_\_\_\_ so long as she should live and should be of sound mind, and should not be in any Gaol or Prison, or under Sentence of Transportation, or to such Person as might be appointed to have the Custody of such Bastard Child, under the Provisions of the said Statute, the Sum of \_\_\_\_\_ per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks the Sum of \_\_\_\_\_ per Week until such Child should attain the Age of Thirteen Years, or should die, or that she the said Mother should marry, and the Sum of Ten Shillings for the Midwife, and the Sum of \_\_\_\_\_ for the Costs incurred in obtaining such Order; and that the said \_\_\_\_\_ had had due Notice of the said Order, and that the said Bastard Child was then living under the Age of Thirteen Years, and that she the said Mother had not been married since the said Order was made, and that the Payments directed to be made by the said Order had not been made according thereto by the said \_\_\_\_\_ and that there was then in arrear for the same the Sum of \_\_\_\_\_ being the Amount of Arrears for \_\_\_\_\_ Weeks Payments, and Ten Shillings for the Midwife, and the Sum of \_\_\_\_\_ for Costs incurred in obtaining such Order.

And whereas the said Justice, by Warrant under his Hand and Seal, directed to the Constable of the said Parish of \_\_\_\_\_ and all Her Majesty's Officers of the Peace in and for the said County (a), commanded him forthwith to apprehend the said \_\_\_\_\_ and to convey him before Two of Her Majesty's Justices of the Peace in and for the said County (a) to answer the Premises, and be dealt with according to Law.

Whereupon the said \_\_\_\_\_ being now brought before us, Two of Her Majesty's Justices of the Peace for the said County (a), \_\_\_\_\_ to shew cause why the same should not be paid, hath not shewn any Cause why the same should not be paid; and the same duly appearing upon Oath (c) to be due from the said \_\_\_\_\_ under the said Order, together with the further Sum of \_\_\_\_\_ for the Costs attending such Warrant, Apprehension, and bringing up of him, the said \_\_\_\_\_ nevertheless neglects (d) to make Payment of the said Sums due under the said Order, and the said Sums so due for such Costs:

And whereas it appears to us, upon the Admission of the said \_\_\_\_\_ that no sufficient Distress can be had upon his Goods and Chattels for the Recovery of the said several Sums:

These are therefore to command you the said Constable of \_\_\_\_\_ to convey the said \_\_\_\_\_ to the said Common Gaol (b) at \_\_\_\_\_ and these are also to command you the said Keeper of the said Common Gaol (b) to receive the said \_\_\_\_\_ into the said Common Gaol (b), there to remain without Bail or Mainprize for the \_\_\_\_\_ Term of (e) \_\_\_\_\_ unless such Sum and Costs, together with (f) the Costs and Charges attending the Commitment and conveying of the said \_\_\_\_\_ to the said Common Gaol (b), and of the Persons employed to convey him thither, be sooner paid and satisfied.

Given under our Hands and Seals, at \_\_\_\_\_ in the County of \_\_\_\_\_ this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_

(a) Or City, Borough, or other Place.

(b) Or House of Correction.

(c) Or Affirmation.

(d) Or refuses.

(e) Not to exceed Three Calendar Months.

(f) Where Warrants are issued after the passing of this Act the Justices should insert the Amount of these Costs and Charges.

## No. 15.

*Warrant of Commitment in default of Distress.*

To the Constable of \_\_\_\_\_ in the County (a) of \_\_\_\_\_ and to the Keeper of the Common  
to wit. } Gaol (b) at \_\_\_\_\_ in the County of \_\_\_\_\_  
WHEREAS Information and Complaint were, on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand  
eight hundred and forty \_\_\_\_\_ made upon Oath (c) before \_\_\_\_\_ One of Her Majesty's Justices of the Peace for  
the said County (a) by \_\_\_\_\_ of the Parish of \_\_\_\_\_ in the County (a) of \_\_\_\_\_ single Woman,  
that by an Order made under the Authority of the Statute passed in the Eighth Year of the Reign of Her present Majesty,  
intituled, 'An Act for the further Amendment of the Laws relating to the Poor in England,' at the Petty Session holden in  
and for the Division (a) of \_\_\_\_\_ in the County of \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ in  
the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_ by Her Majesty's Justices of the Peace for the said  
County (a) acting in and for the said Division (a) then and there assembled, \_\_\_\_\_ of \_\_\_\_\_ in the  
County (a) of \_\_\_\_\_ was adjudged to be the putative Father of a Bastard Child then lately born of her Body, and  
that in and by the said Order it was ordered that the said \_\_\_\_\_ should pay to her the said \_\_\_\_\_ so  
long as she should live and should be of sound Mind, and should not be in any Gaol or Prison, or under Sentence of  
Transportation, or to such Person as might be appointed to have the Custody of such Bastard Child under the Provisions of  
the said Statute, the Sum of \_\_\_\_\_ per Week for the first Six Weeks from the Birth of the said Child, and from the  
Expiration of such Six Weeks the Sum of \_\_\_\_\_ per Week \_\_\_\_\_ until such Child should attain the Age  
of Thirteen Years, or should die, or that she the said Mother should marry, and the Sum of Ten Shillings for the Midwife, and  
the Sum of \_\_\_\_\_ for the Costs incurred in obtaining such Order; that the said \_\_\_\_\_ had had due Notice  
of the said Order, and that the said Bastard Child was then living under the Age of Thirteen Years, and that she the said  
Mother hath not been married since the said Order was made, and that the Payments directed to be made by the said Order  
had not been made according thereto by the said \_\_\_\_\_ and there was then in arrear for the same the Sum of  
being the Amount of Arrears for \_\_\_\_\_ Weeks Payments, and Ten Shillings for the Midwife, and the Sum of  
for the Costs incurred in obtaining such Order.

And whereas the said Justice, by Warrant under his Hand and Seal, directed to the Constable of the said Parish of  
and all Her Majesty's Officers of the Peace in and for the said County (a), commanded him forthwith to apprehend the  
said \_\_\_\_\_ and to convey him before Two of Her Majesty's Justices of the Peace for the said County (a) to answer  
the Premises, and to be dealt with according to Law. Whereupon the said \_\_\_\_\_ being brought before Two of Her  
Majesty's Justices of the Peace for the said County (a), to shew Cause why the same should not be paid, did not shew any  
Cause why the same should not be paid; and the same duly appearing upon Oath to be due from the said \_\_\_\_\_  
under the said Order, together with the further Sum of \_\_\_\_\_ for the Costs attending such Warrant, Apprehension,  
and bringing up of him, but the said \_\_\_\_\_ neglecting (d) to make Payment of the said Sums due under the said  
Order, and the said Sums so due for such Costs, the said Justices required the Constable of the Parish of \_\_\_\_\_  
in the said Warrant mentioned, forthwith to make Distress of the Goods and Chattels of the said \_\_\_\_\_ and if no such  
Distress could be found then to certify the same unto them, or unto \_\_\_\_\_ Two of Her Majesty's Justices of the  
Peace acting for the said County (a), to the end that such further Proceedings might be had therein as to Law appertained.

And whereas it appears to us \_\_\_\_\_ Two of Her Majesty's Justices of the Peace acting for the said County (a),  
by Return of the said Constable of the said \_\_\_\_\_ dated the \_\_\_\_\_ Day of \_\_\_\_\_ that he hath made diligent  
Search, but doth not know of nor can find any Goods and Chattels of the said \_\_\_\_\_ by Distress and Sale whereof  
the said Sums and Costs can be recovered, pursuant to the said Warrant; and that the Costs incurred by the said Constable  
in attempting to make such Distress are \_\_\_\_\_ Shillings

And the said \_\_\_\_\_ is now before us (e)  
These are therefore to command you the said Constable of \_\_\_\_\_ to convey the said \_\_\_\_\_ to the said  
Common Gaol (b), and these are also to command you the said Keeper of the said Common Gaol (b) to receive the said \_\_\_\_\_  
into the said Common Gaol (b), there to remain without Bail or Mainprize for the Term of (f) \_\_\_\_\_ unless  
such Sums and Costs, and the aforesaid Charges attending the Attempt to make the said Distress, together with the Costs  
and Charges (g) attending the Commitment and conveying of the said \_\_\_\_\_ to the said Common Gaol (b), and of  
the Persons employed to convey him thither, be sooner paid and satisfied.

Given under our Hands and Seals, at \_\_\_\_\_ in the County of \_\_\_\_\_ this \_\_\_\_\_ Day of \_\_\_\_\_  
in the Year of our Lord One thousand eight hundred and forty \_\_\_\_\_

## No. 16.

*Appointment of Guardian to the Bastard Child.*

to wit. } WHEREAS the Justices assembled at a Petty Session of Her Majesty's Justices of the Peace for the County (a)  
of \_\_\_\_\_ holden in and for the Division of (a) \_\_\_\_\_ in the County of (a) \_\_\_\_\_  
at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One

(a) Or City, Borough, or other Place.

(b) Or House of Correction.

(c) Or Affirmation.

(d) Or refusing.

(e) Insert "in Custody of the said Constable; or "according to the Exigency of a Recognizance duly entered into by him  
on the \_\_\_\_\_ Day of \_\_\_\_\_ last."

(f) Not to exceed Three Calendar Months.

(g) Where Warrants are issued after the passing of this Act the Justices should insert the Amount of these Costs and Charges.

thousand eight hundred and forty single Woman, residing at by an Order under their Hands and Seals, reciting that one within the said *Division* (a), did, on the Day of in the Year of our Lord One thousand eight hundred and forty make Application to One of Her Majesty's Justices of the Peace acting for the said *Division* (a), for a Summons to be served upon one and the said Justice thereupon issued his Summons to the said to appear at a Petty Session to be holden on the Day of in the Year of our Lord One thousand eight hundred and forty for the said *Division* (a) in which he usually acted, to answer her Complaint touching the Premises:\*

And that the said having been duly served with the said Summons, within Forty Days from the said Day of and that the said having then applied to the said Justices in Petty Sessions assembled for an Order upon the said according to the Form of the Statute in such Case made and provided: And that it having been then proved to the said Justices that the said Child was *since* (b) the passing of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled 'An Act for the further Amendment of the Laws relating to the Poor in England,' (that is to say,) on the Day of in the Year of our Lord One thousand eight hundred and forty born a Bastard of the Body of the said : And that the said Justices having heard the Evidence of such Woman, and such other Evidence as she had produced and the Evidence of the said the Mother of the said Child, having been corroborated in some material Particular by other Testimony, to their Satisfaction, did adjudge the said to be the putative Father of the said Child; and, having regard to all the Circumstances of that Case, did order that the said should pay unto the Mother of the said Bastard Child, so long as she should live and be of sound Mind, and be not in any Gaol or Prison, or under Sentence of Transportation, or to the Person who might be appointed to have the Custody of such Child, under the Provisions of the said Statute, the Sum of until the said Child should attain the Age of Thirteen Years, or should die, or the said should marry: And they did further order the said to pay to the said the Sum of being the Costs incurred in obtaining their Order:

And whereas the said hath not married since the making of the said Order, but *hath lately* (c) and the said Child is still alive, and under the Age of Thirteen: Now we Two of Her Majesty's Justices of the Peace acting in and for the County (d) of do hereby order and appoint one of in the County of (d) not being an Officer of any Parish or Union, and having consented thereto, to have the Custody of such Bastard Child, so long as such Bastard Child shall not be chargeable to any Parish or Union.

Given under our Hands and Seals, at in the County of (d) this Day of in the Year of our Lord One thousand eight hundred and forty N.B.—A Duplicate of this Appointment is to be sent through the Post or otherwise, by the Clerk of the Justices, to the Clerk of the Guardians of the Union or Parish wherein the Mother of the said Child resided at the time when she died, or ceased to be entitled to receive the Payments under the Order.

## CAP. XI.

AN ACT for assigning Sheriffs in *Wales*.

(8th May 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Sheriffs to be appointed in Wales as in England.*
2. *Act may be amended, &c.*

By this ACT,

After reciting that it is convenient that the sheriffs in each of the shires in Wales be nominated and appointed in like manner as is used in other parts of England:

It is Enacted,

- I. That after the passing of this Act the sheriffs in each shire in Wales shall be assigned, ordained, nominated, and appointed at the same time and place and in like manner and form as is used according to law for sheriffs in the shires of England.
- II. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

\* This Form must be completed, in regard to the Recitals, by reference to the Order of the Justices.

(a) Or City, Borough, or other Place.

(b) Or within Six Calendar Months before.

(c) Died, or become of unsound Mind, or is now in the Gaol or Prison of in the County of or is under Sentence of Transportation.

(d) Or insert City, Borough, or other Place.



## CAP. XII.

## AN ACT to alter and amend certain Duties of Customs.

(8th May 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Duties repealed.*
2. *Duties imposed.*
3. *Duties how to be recovered.*
4. *Value of goods entered inwards to be stated in the entry and attested by the importer.*
5. *Act may be amended, &c.*

By this Act,

After reciting that by 5 & 6 Vict. c. 47. certain duties of Customs were made payable to Her said Majesty, her heirs and successors, upon the goods, wares, and merchandise contained in the Tables marked (A.) and (B.), and Schedule, to this Act annexed: And that it is expedient that such duties should be repealed:—

It is Enacted,

i. That the duties on the several articles so contained in such Tables and Schedule shall be and the same are hereby repealed, at the several periods therein specified.

ii. That in lieu and instead of the duties of Customs now payable upon the goods, wares, and merchandise imported into the United Kingdom in the annexed Schedule mentioned and set forth, denominated a Schedule of Duties of Customs, there shall be raised, levied, collected, and paid unto Her said Majesty, her heirs and successors, upon the respective goods, wares, and merchandise imported into the United Kingdom, the several duties of Customs as the same are respectively inserted, described, and set forth in figures in the said Schedule annexed to this Act.

iii. That the duties by this Act imposed shall be under the management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, allowed, and applied or appropriated under the provisions of an Act, 3 & 4 Will. 4. c. 56, intituled, 'An Act for granting Duties of Customs,' and of any other Act or Acts in force relating to the Customs.

And after reciting that it is expedient that correct accounts may continue to be taken of the value of the imports of certain goods upon which duty has hitherto been charged according to the value thereof, but upon which goods the duties have been repealed by this Act:—

It is Enacted,

iv. That upon the entry inwards of any such goods the value thereof shall be stated in the entry, and shall be affirmed by the declaration of the importer or his known agent, written upon the entry and attested by his signature, and if such declaration be false, the person signing the same shall forfeit a sum not exceeding 20*l.*; and it shall be lawful for the landing waiter or other officer appointed to examine such goods to call for the invoice, bills of parcels, and such other documents relating thereto as he may think necessary for ascertaining the true value of the same.

v. That this Act may be altered or amended by any Act to be passed in this session of Parliament.

## TABLE (A.)

From and after the passing of this Act.

Agates, or Cornelians, not set.  
 Alganobilla.  
 Alkali.  
 Alkanet Root.  
 Almonds, Bitter.  
 Aloes.  
 Alum.  
 — Roch.  
 Amber, rough.  
 Ambergis.  
 Amboyne Wood.  
 Angelica.

Annatto.  
 — Roll.  
 Antimony, Ore of.  
 — Crude.  
 — Regulus of.  
 Argol.  
 Aristolochia.  
 Arsenic.  
 Ashes, Pearl and Pot.  
 — Soap, Weed, and Wood.  
 — unenumerated.  
 Asphaltum or Bitumen Judaicum.

Balsam, Canada.  
 — Capivi.  
 — Peru.  
 — Riga.  
 — Tolu.  
 — Balm of Gilead, and unenumerated Balsam.  
 Barilla.  
 Bar Wood.  
 Bark, Extract of, or of other Vegetable Substances, to be used only for tanning Leather.

TABLE (A.)—*continued.*

Bark for Tanners or Dyers Use.	Copperas, White.	Helebore.
— Cascarilla.	Coral, whole, polished.	Hemp, dressed.
— Peruvian.	— unpolished.	Hemp, rough or undressed, or any other
— of other Sorts.	— in Fragments.	Vegetable Substance of the Nature and
— Basket Rods, peeled and unpeeled.	Cork.	Quality of undressed Hemp, and ap-
Beef Wood.	Cotton Yarn.	plicable to the same Purposes.
Berries, Bay.	Cubebs.	Hides, not tanned, tawed, curried, or in
— Juniper.	Cream of Tartar.	any Way dressed, dry and wet.
— Yellow.		— or Pieces of Hides, raw or un-
— unenumerated,		dressed, and unenumerated.
Birds, Singing.	Divi Divi.	— Tails, Buffalo, Bull, Cow, or Ox.
Blackwood.	Down.	— tanned, not otherwise dressed.
Bladders.	Drugs, unenumerated.	Hones.
Bones of Cattle and other Animals, and	Ebony.	Hoofs of Cattle.
of Fish (except Whale Fins), whether		Hoops of Wood.
burnt or not, or as Animal Charcoal.		Horns—Horn Tips and Pieces of Horns.
Box Wood.	Feathers for Beds, in Beds or otherwise.	
Borax, refined.	— Ostrich, undressed,	Indigo.
Borax, or Tinsal, unrefined.	— Paddy Bird, undressed.	Inkle, unwrought.
Boric Acid.	— unenumerated and undressed.	Iron, Bloom.
Brazil Wood.	Flax and Tow, or Codilla of Hemp and	— Cast.
Brazilletto Wood.	Flax, dressed and undressed.	— Chromate of.
Brimstone, refined, in Rolls.	Flocks.	— in Bars, unwrought.
— in Flour.	Flower Roots.	— Hoops.
— not refined.	Fustic.	— Old Broken and Cast Iron.
Bristles, rough, or in any way sorted.		— Ore.
Bronze Works of Art.	Gallic Powder.	— Pig.
Brushes.	Galls.	— slit or hammered into Rods.
	Gamboge.	
	Garancine.	Jalap.
	Garnets, cut or uncut, not set.	Jet.
	Gentian.	Jewels—Emeralds and all other precious
	Ginseng.	Stones, unset.
	Glue, Clippings, or Waste of any kind,	— Pearls.
	fit only for making Glue.	Juice of Lemons, Limes, or Oranges.
	Goods unenumerated, not being either	
	in part or wholly manufactured, not	Kingwood.
	enumerated or prohibited.	
	Grease.	Lac; viz. Sticklac.
	Greaves for Dogs, and Tallow Greaves.	Lapis Calaminaria.
	Guano.	Lard.
	Gum, Animi.	Latten.
	— Arabic.	— Shaven.
	— Assafetida.	Lavender Flowers.
	— Ammoniacum.	Lead Ore.
	— Benjamin.	— Red.
	— Copal.	— White.
	— Euphorbium.	— Black.
	— Guaiacum.	— Chromate of.
	— Kino.	Leaves of Roses.
	— Lac Dye.	Leeches.
	— Mastic.	Lignum Vitæ.
	— Seed Lac.	Litharge.
	— Senegal.	Logwood.
	— Shellac.	Loah Hides.
	— Storax.	
	— Tragacanth.	Madder.
	— unenumerated.	Madder Root.
	Gun Stocks in the rough, of Wood.	Mahogany.
	Gypsum.	Manganese, Ore of.
		Manna.
	Hair, Camel Hair or Wool.	Manures, unenumerated.
	— Cow, Ox, Bull, or Elk.	Metal—Bell Metal.
	— Horse.	Minerals and Fossils, unenumerated.
	— Human.	Models of Cork or Wood.
	— unenumerated.	Morphia.
	Heath, for Brushes.	
Camomile Flowers.		
Camphor, unrefined.		
Camwood.		
Candlewick.		
Cassia Alba.		
Canes, Bamboo.		
— Reed.		
— Rattans, not ground.		
— or Sticks, unenumerated.		
Caoutchouc.		
Candarmas.		
Cassia Buds.		
— Fistula.		
Caster.		
Cedar Wood.		
Chalk, unmanufactured.		
Chip, or Willow, for platting.		
Chemuts.		
China Root.		
Chrysal, rough.		
Cumabaris Nativa.		
Citrate of Lime.		
Citric Acid.		
Civet.		
Coals, Culm, and Cinder.		
Cobalt.		
— Ore of.		
Cochineal.		
— Dust.		
— Granilla.		
Cair Rope and Junk, old and new, cut		
into Lengths not exceeding Three		
Feet each.		
Calceyath.		
Columbo Root.		
Copperas, Blue.		
— Green.		

TABLE (A.)—*continued*.

Moss, Lichen Islandicus.	Platina, and Ore of Platina.	Skins, Beaver, undressed.
— other than Rock or Iceland Moss.	Platting or other Manufactures to be used in or proper for making Hats or Bonnets of Chip.	— Cat, undressed.
— Rock, for Dyers Use.	Pomegranates, Peel of.	— Chincilla, undressed.
Mother-o'-Pearl Shells.	Prussiate of Potash.	— Coney, undressed.
Musk.		— Deer, undressed.
Myrrh.		— Dog, in the Hair, not tanned or dressed.
		— Dog Fish, undressed.
Nicaragua Wood.	Quicksilver.	— Elk, undressed.
Nickel, Arseniate of, in Lumps or Powder being in an unrefined State.	Quills, Goose.	— Ermine, undressed.
— Metallic, and Oxide of, refined.	— Swan.	— Fisher, undressed.
— Ore of.	Radix Contrayervæ.	— Fitch, undressed.
Nitre—Cubic Nitre.	— Enulæ Campanæ.	— Fox, undressed.
Nuts; viz.	— Eringii.	— Fox Tails, undressed.
— Kernels of Walnuts and of Peach Stones, and of Nuts or Kernels thereof, unenumerated, commonly used for expressing Oil therefrom.	— Ipecacuanhæ.	— Goat, raw.
— Coco Nuts.	— Rhatanæ.	— Goose, undressed.
Nuts, Pistachio.	— Senekæ.	— Hare, undressed.
Nuts and Kernels, unenumerated.	— Serpentariæ, or Snake Root.	— Husse, undressed.
	Rags, old Rags, old Ropes or Junk, or old Fishing-nets, fit only for making Paper or Pasteboard.	— Kangaroo, raw and undressed.
	— Pulp of.	— Kid, in the Hair, undressed.
	— Woollen.	— Kolinski, undressed.
Oakum.	Rape of Grapes.	— Leopard, undressed.
Ochre.	Red Wood or Guinea Wood.	— Lion, undressed.
Oil, Animal.	Rhubarb.	— Lynx, undressed.
— Castor.	Rosewood.	— Marten Tails, undressed.
— Cocoa Nut.	Rosin.	— Mink, undressed.
— of Olives, except in Ships of the Two Sicilies.	Safflower.	— Mole, undressed.
— Lard.	Saffron.	— Musquaah, undressed.
— Palm.	Sal Ammoniac.	— Nutria, undressed.
— Paran.	— Limonum.	— Otter, undressed.
— Rock.	— Prunella.	— Ounce, undressed.
— unenumerated.	Salep or Salop.	— Panther, undressed.
— Train, Blubber, Spermaceti Oil, and Head Matter, the Produce of Fish or Creatures living in the Sea, caught by the Crews of British Vessels, and imported direct from the Fishery or from any British Possession in a British Vessel.	Saltpetre.	— Pelts, undressed, of Goats of all other sorts.
	Sanguis Draconis.	— Raccoon undressed.
	Santa Maria Wood.	— Sable, undressed.
	Sapan Wood.	— Sable Tails or Tips, undressed.
	Sarsaparilla.	— Squirrel or Calabar, Tails of, undressed.
	Sassafras.	— Swan, undressed.
	Satin Wood.	— Tiger, undressed.
	Saunders' Red.	— Weasel, undressed.
	— White or Yellow.	— Wolf, undressed.
Oil;—Seed Oils; viz.	Scammony.	— Wolverings, undressed.
— Hempseed.	Seeds; viz.	— Furs, Pelts, and Tails, tanned, tawed, or dressed; viz.
— Linseed.	— Croton, commonly used for expressing Oil therefrom.	— Deer, — Indian, half dressed, tanned, tawed, or in any way dressed.
— Rapeseed.	— Hemp.	— Ermine, dressed.
— Walnut.	— Poppy.	— Kid, dressed and dyed or coloured.
— Seed, unenumerated.	— Sesamum.	— Lamb, tanned or tawed.
Oil Seed Cake.	— unenumerated, commonly used for expressing Oil therefrom.	— Lamb, dyed or coloured.
Olibanum.	Senna.	— Dressed in Oil:
Olive Wood.	Shumach.	— Mink, dressed.
Orange Peel and Lemon Peel.	Silk, Raw.	— Pelts of all Sorts, tanned, tawed or in any way dressed.
Ore, unenumerated.	— Knubs or Husks, and Waste Silk.	— Deer, — Indian, undressed or shaved.
Orchal.	— Thrown, not Dyed.	— Goat, tanned, tawed, or in any way dressed.
Orpiment.	Skins and Furs; viz.	— Lamb, in the Wool.
Orris Root.	— Marten, undressed.	— Sheep, in the Wool.
	— Seal, in the Hair, not tanned, tawed, or dressed.	— tanned or tawed, dressed Oil.
Painters Colours, unenumerated, unmanufactured.	— Squirrel or Calabar, undressed.	— Squirrel or Calabar, tawed.
Palmetto Thatch.	— Furs, Pelts, and Tails; viz.	
Pink Root.	— Badger, undressed.	
Pitch.	— Bear, undressed.	
— Burgundy.		
Plaster of Paris.		

TABLE (A).—*continued.*

Skins, Wolf, tawed.	Tar, Barbadoes.	Wax, Bees, unbleached.
— Kid, dressed, not dyed or coloured.	Tarras.	— Myrtle.
— and Furs, or Pieces thereof, unenumerated, tawed, curried, or dressed.	Tartaric Acid.	— Vegetable.
— and Furs, or Pieces thereof, raw or undressed, unenumerated.	Teasles.	Weld.
Specimens of Minerals, Fossils, or Ores, unenumerated, exceeding Fourteen Pounds Weight each.	Teeth, Elephants.	Whale Fins, of British taking, and imported direct from the Fisheries or from any British Possession in a British Ship.
Speckled Wood.	— Sea-Cow, Sea-Horse, or Sea-Morse.	Wood.
Spelter or Zinc, rolled, but not otherwise manufactured.	Terra Japonica, and Cutch.	Wood, for Ship-building, now admitted at the same Duty as Teake Wood.
— crude, in Cakes.	— Sienna.	— Birch, hewn, not exceeding Three Feet long, nor exceeding Eight Inches square, imported for the sole Purpose of making Herring Barrels for the Use of the Fisheries.
Sponge.	— Verde.	— Teake.
Squills, dried and not dried.	— Umbra.	Wool, Beaver.
Stavesacre.	Tin Ore, and Regulus of.	— cut and combed.
Staves, not exceeding Seventy-two Inches in length, nor Seven Inches in Breadth, nor Three Inches and a Quarter in Thickness.	Tornsal.	— Coney.
Steel, unwrought.	Tortoise Shell or Turtle Shell, unmanufactured.	— Hares.
— Scraps.	Tulip Wood.	— Cotton.
Straw or Grass for Plaiting.	Turneric.	Yarn.
Sweet Wood.	Turpentine of Venice, Scio, or Cyprus.	— Camel or Mohair.
Stone in Blocks, shaped or rough scalped.	Turpentine, unless above the Value of 15s. per Cwt.	— Raw Linen.
Sulphur Casts.	Valonia.	Zaffre.
Tak.	Vases, ancient, not of Stone or Wood.	Zebra Wood.
Tax.	Vermilion.	
	Ultramarine.	
	Walnut Wood.	
	Water, Mineral.	
	Wax, Bees, in any Degree bleached.	

TABLE (B.)

Seeds; viz.	Lettuce.	} From and after the 1st Day of June 1845.
Acorn.	Linseed and Flaxseed.	
Annisseed.	Lupin.	
Beans, Kidney or French.	Maw.	
Burnet.	Millet.	
Colchicum.	Parsley.	
Cole.	Quince.	
Coriander.	Rape.	
Cummin.	Shrub or Tree.	
Fenugreek.	Tares.	
Forest.	Worm.	
Garden, unenumerated.		
Lentiles.		
Spermaceti . . . . .		} 1st Day of January 1849.
Sperm Oil of Foreign Fishing . . . . .		
Train Oil or Blubber of Foreign Fishing . . . . .		} 1st Day of January 1847.
Whales Fins of Foreign taking, and not prohibited . . . . .		

## A SCHEDULE OF DUTIES OF CUSTOMS.

	£.	s.	d.
Unglass, per Cwt.	0	5	0
Oils, Chemical, Essential or Perfumed, per lb.	0	1	0
— Essential, of Cloves, per lb.	0	3	0
Fickles preserved in Vinegar, per Gallon . . . . .	0	0	4
Fickles or Vegetables preserved in Salt, for every 100l. Value . . . . .	5	0	0
Refined Camphor, per Cwt.	0	5	0
Smalts, per Cwt.	0	10	0
Turpentine above the Value of 15s. per Cwt.	0	2	0
Verdigris, per Cwt.	0	5	0
Yarn Cable, per Cwt.	0	3	0

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E

## A SCHEDULE OF DUTIES OF CUSTOMS—continued.

That from and after the Expiration of Excise Duties on British Glass, and until the 10th Day of October 1846, the following Duties of Customs.

Glass; viz.	£.	s.	d.
Any Kind of Window Glass, White, or stained of One Colour only, not exceeding One Ninth of an Inch in Thickness, and Shades and Cylinders, the Cwt.	0	14	0
All Glass exceeding One Ninth of an Inch in Thickness; or silvered or polished Glass of whatever Thickness, however small each Pane, Plate, or Sheet, superficial Measure; viz.			
Not exceeding more than 9 square Feet, the square Foot	0	1	0
Containing more than 9 square Feet, and not more than 14 square Feet, the square Foot	0	2	0
Containing more than 14 square Feet, and not more than 36 square Feet, the square Foot	0	2	6
Containing more than 36 square Feet, the square Foot	0	3	0
Glass, painted or otherwise ornamented, the superficial Foot	0	3	0
All White Flint Glass Bottles, not cut, engraved, or otherwise ornamented, and Beads and Bubbles of Glass, the lb.	0	0	2
Wine Glasses, Tumblers, and all other White Flint Glass Goods, not cut, engraved, or otherwise ornamented, the lb.	0	0	4
All Flint Cut Glass, Flint coloured Glass, and Fancy Ornamental Glass, of whatever Kind, the lb.	0	0	8
Bottles of Glass covered with Wicker (not being Flint or Cut Glass), or of Green or common Glass, the Cwt.	0	3	0
Glass Manufactures, not otherwise enumerated or described, and old broken Glass, fit only to be re-manufactured, the Cwt.	0	14	0

And that from and after the 10th Day of October 1846, until the 5th Day of April 1848, there be charged on the said Article One Half of the said Duties, and from and after the 5th Day of April 1848 One Fourth of the said Duties.

## CAP. XIII.

AN ACT to repeal the Duties of Excise on Sugar manufactured in the United Kingdom, and to impose other Duties in lieu thereof.

(8th May 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Repeal of the Excise duties on sugar manufactured in the United Kingdom.*
2. *New Excise duty on such sugar of 14s. per cwt.*
3. *New duty to be raised and levied in the same manner as other Excise duties; and powers and penalties of all Excise Acts to apply to this Act.*
4. *Act may be amended, &c.*

By this Act,

After reciting that by 7 Will. 4. & 1 Vict. c. 57, a duty of Excise of 1l. 4s. was imposed on every hundred weight of sugar manufactured in the United Kingdom from beet root: and that by 3 & 4 Vict. c. 57. the same amount of duty as was by law payable on sugar manufactured from beet root, was imposed upon all sugar manufactured in the United Kingdom, from whatever materials made: and that it is expedient to repeal the said duties, and to impose other duties in lieu thereof:—

It is Enacted,

I. That from and after the passing of this Act, the duties aforesaid shall cease and be no longer paid or payable, save and except in all cases relating to the suing for, levying, and recovering of any arrear thereof, or any fine, penalty, or forfeiture which has been incurred before the passing of this Act.

II. That in lieu of the duties by this Act repealed, there shall be raised, levied, collected, and paid the duty of Excise following; (that is to say), for and upon every hundred weight of sugar manufactured in the United Kingdom, from whatever materials made, and so in proportion for any greater or lesser quantity than a hundred weight, the sum of 14s.

III. That the said duties by this Act imposed shall be under the management of the Commissioners of Excise, and the same shall be charged, raised, levied, collected, and recovered, applied and accounted for under the enactments and provisions of the said first-recited Act, and in such and the like manner, and in and by the same means, ways, or methods by which any other duties of Excise are or may be charged, raised, levied, collected, and recovered, applied and accounted for; and the said first-recited Act, and all and every other Act or Acts relating to the duties of Excise, and all and every fine, pain, penalty, and forfeiture of any nature or kind whatsoever for any offence against or in breach of the said first-recited Act or any other Act or Acts for securing the duties of Excise, or for the regulation thereof, in force immediately before the passing of this Act, and the several clauses, powers, and directions therein contained, shall and the same are hereby respectively directed and declared to extend to, and shall be applied, practised, and put in execution for and in respect of the duties of Excise by this Act imposed, in as full and ample a manner as if all and every the said Act and Acts, clauses, provisions, powers, directions, fines, pains, penalties and forfeitures were repeated and re-enacted in this Act.

IV. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

## CAP. XIV.

AN ACT to exempt Ships carrying Passengers to *North America* from the Obligation of having on board a Physician, Surgeon, or Apothecary.

(8th May 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *So much of 7 & 8 Vict. c. 112. as requires ships carrying passengers to the East coast of North America, to have surgeons, &c. on board when the number of persons amount to 100, repealed.*
2. *Proceedings for recovery of penalties shall be stayed.*
3. *Act may be amended, &c.*

By this Act,

After reciting that by 5 & 6 Vict. c. 107. ships carrying passengers to North America were exempted from the obligation of having on board a physician, surgeon, or apothecary, as required by the said Act in other cases therein specified: and that by 7 & 8 Vict. c. 112. it is, among other things, enacted, that every ship having one hundred persons or upwards on board, and every ship, the voyage of which shall be deemed, under the provisions of the first-recited Act, to exceed twelve weeks, having fifty persons or upwards on board, shall have on board, as one of her complement, some person duly authorized by law to practise in this kingdom as a physician, surgeon, or apothecary, whereby the exemption granted by the first-recited Act to ships carrying passengers to the continent of North America has been taken away in all cases where the total number of persons on board any such ship shall amount to one hundred and upwards; and it is expedient that such exemption be preserved:—

It is Enacted,

I. That so much of the last-recited Act as enacts that ships, as defined in the last-recited Act, carrying passengers, according to the provisions of the first-recited Act, from any port or place in the United Kingdom, or in the Islands of Guernsey, Jersey, Alderney, Sark, or Man, to the East Coast of the continent of North America, shall have on board a physician, surgeon, or apothecary as often as the total number of persons on board any such ship shall amount to one hundred and upwards, shall be repealed.

II. That any person against whom any proceeding or proceedings shall have been commenced, on or before the day of the passing of this Act, for the recovery of any pecuniary penalty incurred, or supposed to have been incurred, under the provisions of the last-recited Act, for any breach or non-observance of so much of the last-recited Act as is herein repealed, may apply to the Court in which, or to any Justice or Justices of the Peace before whom, any such proceeding or proceedings shall have been commenced, for an order that such proceedings shall be discontinued but upon payment of the costs thereof incurred to the time of such application being made, in case such proceeding shall have been commenced before the 17th of April in this year, such costs to be taxed according to the practice of the Court, or at the discretion of the Justice or Justices before whom such proceeding shall have been had; and every such Court or Justice or Justices upon such application and proof that sufficient notice of the application has been given to the plaintiff or informer, or to his attorney, and upon being satisfied, by affidavit or otherwise, that such proceedings have been commenced for the recovery of such pecuniary penalty as aforesaid, shall make such order as aforesaid; and upon the making such order as aforesaid, and on payment or tender of such costs as aforesaid, where costs are hereinbefore made payable, all further proceedings for the recovery of any such pecuniary penalty shall be forthwith discontinued.

III. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

## CAP. XV.

AN ACT to repeal the Duties of Excise on Sales by Auction, and to impose a new Duty on the Licence to be taken out by all Auctioneers in the United Kingdom.

(8th May 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Duties on sales by auction repealed.*
2. *New duty on auctioneers licences throughout the United Kingdom.*
3. *New duty to be under the management of the Commissioners of Excise, and recoverable, &c. under the provisions of this and other Acts of Excise.*
4. *Licences to be taken out, and to be renewed annually.*

5. Auction licence not necessary in certain cases.
6. 6 Geo. 4. c. 81. s. 8. repealed, and one Excise licence to be sufficient.
7. Auctioneer, before he shall commence any sale, shall suspend or affix a ticket or board containing his full christian and surname and place of residence.
8. Licence to be produced, on demand, or a deposit of 10l. made, on pain of one month's imprisonment.
9. Act may be altered this session.

By this Act,

After reciting that by 6 Geo. 4. c. 81. a certain duty of Excise is imposed for and upon every licence to be taken out by every person exercising or carrying on the trade or business of an auctioneer, or selling any goods or chattels, lands, tenements, or hereditaments, by auction; and by a regulation in the said last-recited Act, and by certain other Acts relating to the duties of stamps, auctioneers are required in certain cases to take out separate and distinct licences for selling particular goods and chattels by auction, in addition to their auctioneer's licence: And that certain duties of Excise upon the purchase money arising or payable by virtue of any sale at auction in Great Britain and Ireland are imposed and regulated by several Acts; (that is to say,) by 43 Geo. 3. c. 69, 45 Geo. 3. c. 30, 54 Geo. 3. c. 82, 55 Geo. 3. c. 142, and by several other Acts for altering or amending the said recited Acts or some of them: And that it is expedient that the said last-mentioned duties, and all duties now imposed upon or for or in respect of auctioneers or auctions, and all Acts, clauses, provisions, and regulations now in force relating thereto, should cease, save and except as after mentioned:—

It is Enacted,

i. That from and after the passing of this Act the said last-mentioned duties, and all duties of Excise now payable in Great Britain or Ireland upon or for or in respect of auctioneers and auctions or sales at auction, and all and every Act and Acts of Excise, and all clauses, provisions, exemptions, penalties, and things in any Act of Excise in force in Great Britain and Ireland respectively at or immediately before the passing of this Act, relating to auctions, or to duties on sales by auction, or to any auctioneers, save only such clauses, provisions, penalties, matters, and things as are contained in the said recited Act, 6 Geo. 4. c. 81, and are not repealed or altered by this Act, are hereby repealed, save and except for the purpose of recovering any duties on auctions, or any arrears of such duties, or any fine, penalty, or forfeiture relating to auctions, or for allowing any exemptions from duties which have been incurred or become due or allowable at any time before the passing of this Act; but that all and every such regulations and provisions, powers and authorities, and all bonds for securing the payment of any such duties on auctions, in force at and immediately before the passing of this Act, shall be and remain in full force and effect for the levying and collecting the said last-mentioned duties, and arrears of duties, fines, penalties, and forfeitures, and for allowing the said exemptions.

ii. That from and after the passing of this Act there shall be raised, levied, collected, and paid to Her Majesty, her heirs and successors, in lieu of all duties now imposed on licences to be taken out by auctioneers throughout the United Kingdom, the following annual sum or duty of Excise; (that is to say,) for and upon every licence to be taken out by every person exercising or carrying on the trade or business of an auctioneer in any part of the United Kingdom the sum of 10l.

iii. That the said duty hereby imposed shall be under the management of the Commissioners of Excise, and shall be collected, paid, and accounted for in the same manner as other the duties of Excise, and shall be charged, raised, levied, sued for, and paid under the provisions of this Act, and the general or special provisions, clauses, enactments, regulations, pains, penalties, and forfeitures contained in any Act or Acts relating to the collection and management of the revenue of Excise; and all penalties by this Act imposed shall be prosecuted, recovered, and applied as any other penalties under the laws of Excise.

iv. That every person who exercises or carries on the trade or business of an auctioneer, or who acts in such capacity at any sale or roup, and every person who sells or offers for sale any goods or chattels, lands, tenements, or hereditaments, or any interest therein, at any sale or roup where any person or persons become the purchaser of the same by competition, and being the highest bidder, either by being the single bidder or increasing upon the biddings made by others, or decreasing on sums named by the auctioneer or person acting as auctioneer, or other person at such sale, or by any other mode of sale by competition, shall (except as hereinafter in this Act mentioned) be deemed to carry on the trade or business of an auctioneer, and shall be required to take out such licence as by this Act directed; and every such licence shall be renewed annually ten days at least before the expiration thereof, on the 5th of July in each and every year; and every auctioneer having had such a licence who continues to carry on the trade or business of an auctioneer in the year next ensuing the expiration thereof, and omits to renew the same as aforesaid, and every person who carries on the trade or business of an auctioneer as aforesaid without taking out such licence as by this Act directed, shall (except as hereinafter in this Act mentioned) forfeit 100l.: Provided always, that auctioneers who have licences in force at the passing of this Act, and which licences do not expire until the 5th of July now next ensuing, shall not be required to take out the licence by this Act directed for the purpose of carrying on the business of an auctioneer until ten days before the expiration of their current licences, but that every such auctioneer may, at any time within the last quarter of the current year to expire on the said 5th of July, take out the licence by this Act directed, on payment of a fourth part of the duty imposed on such last-mentioned licence; but that on every such licence taken out after the said 5th of July, at whatever period of the year, the full duty of Excise by this Act imposed shall be paid, any other Act or Acts to the contrary thereof notwithstanding.

v. That it shall not be necessary for any person selling any goods or chattels by auction in any of the cases hereinafter mentioned to take out the licence by this Act required: Any person selling any goods or chattels by auction under a distress for non-payment of rent or tithes to less amount than 20l.; or under authority of 6 Geo. 4. c. 48, 6 & 7 Will. 4. c. 75, 7 Will. 4. & 1 Vict. c. 43, 7 Will. 4. & 1 Vict. c. 41, or under authority of any other Act or Acts of Parliament now in

force in which the like exemption as by the Act specified is given to the proper officer of court executing the process of such court to sell the effects seized by him by auction, without taking out or having any licence as an auctioneer, provided the sum for which such process is enforced is under 20*l*.

**VI.** That so much of the said recited Act of 6 Geo. 4. c. 81. s. 8, as enacts, "That every person exercising or carrying on the trade or business of an auctioneer, or selling any goods or chattels, lands, tenements, or hereditaments, by auction, shall, over and above any licence to him or her granted as an auctioneer, take out such licence as is required by law to deal in or retail, or to vend, trade in, or sell, any goods or commodities, for the dealing in or retailing or vending, trading in or selling of which an Excise licence is specially required, before he or she shall be permitted or authorized to sell such goods or commodities by auction; and if any such person shall sell any such goods or commodities as aforesaid by auction without having taken out such licence as aforesaid for that purpose, he or she shall be subject and liable to the penalty in that behalf imposed upon persons dealing in or retailing, vending, trading, or selling any such goods or commodities without licence, notwithstanding any licence to him or her before granted as aforesaid for the purpose of exercising or carrying on the trade or business of an auctioneer, or selling any goods or chattels, lands, tenements, or hereditaments by auction, anything herein contained to the contrary notwithstanding," together with the proviso thereto attached, and so much of any other Act or Acts of Parliament by which it is required that a separate and distinct licence shall be taken out by any auctioneer selling by auction gold or silver plate or patent medicines, or any other articles, are hereby repealed; and any auctioneer having at the time in force a licence on which the duty under the provisions of this Act has been paid may sell by auction any such property, goods, or commodities, without taking out any other licence in such respect, any other Act or Acts to the contrary thereof notwithstanding.

**VII.** That every auctioneer, before beginning any auction, shall affix or suspend, or cause to be affixed or suspended, a ticket or board containing his true and full christian and surname and residence painted, printed, or written in large letters publicly visible and legible in some conspicuous part of the room or place where the auction is held, so that all persons may easily read the same, and shall also keep such ticket or board so affixed or suspended during the whole time of such auction being held; and if any auctioneer begins any auction, or acts as auctioneer at any auction, in any room or place where his name and residence is not so painted or written on a ticket or board so affixed or suspended, and kept affixed or suspended as aforesaid, he shall forfeit for every such offence the sum of 20*l*.

**VIII.** That if any person acting as an auctioneer, and by this Act required to take out a licence as a person exercising or carrying on the trade or business of an auctioneer, does not at the time of any sale by auction, on demand of any officer of Excise or Customs, or any officer of Stamps and Taxes, produce and shew to such officer a proper licence to him granted under this Act, and then in force, or does not immediately deposit with such officer the sum of 10*l*., every such person may be arrested and detained by any officer of the peace as hereinafter mentioned; and every officer of the peace shall, at the request of any such officer as first aforesaid, at the termination of such sale, or sooner if convenient, arrest and convey such person before some one of Her Majesty's Justices of the Peace of the county or place where such sale has been held, and such Justice shall examine into the fact or facts charged, and upon proof, either by confession of the party offending or by the oath of one or more credible witness or witnesses (which oath the said Justice is hereby empowered to administer), that the person so brought before him did act as an auctioneer as aforesaid, and did not produce such licence, or deposit such sum of money as aforesaid, shall, by warrant under his hand, commit such offender to the common gaol or house of correction for the county or place where the said sale has been held, for any time not exceeding one calendar month from the day of such commitment; and no such imprisonment, nor the deposit of such sum of money as aforesaid, shall in any manner prejudice or affect any proceedings afterwards instituted for recovery of the penalty incurred by such person for acting as an auctioneer at such sale as aforesaid without the licence by this Act directed; but if any person, having so deposited such sum of money as aforesaid, at any time before the expiration of one week from the date of such sale as aforesaid produces to the officer with whom he deposited the same a proper licence to him granted and in force as an auctioneer before and at such sale, every such officer shall immediately thereupon repay to such person the full sum so deposited with him; if otherwise, every such officer shall at the expiration of the said week account for all such money to the Commissioners of Excise, or such person as they may appoint to receive the same.

**IX.** That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

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## CAP. XVI.

AN ACT for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature.

(8th May 1845.)

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### ABSTRACT OF THE ENACTMENTS.

1. Act to apply to all companies incorporated by Acts hereafter to be passed.
2. Interpretations in this Act: "the special Act;" "prescribed;" "the undertaking."
3. Interpretations in this and the special Act: number; gender; "lands;" "lease;" "month;" "superior courts;" "oath;" "county;" "justice;" "two justices;" "the company;" "directors;" "shareholders;" "secretary."
4. Short title of the Act.
5. Form in which portions of this Act may be incorporated with other Acts.



Distribution of Capital.	6. Capital to be divided into shares.
	7. Shares to be personal estate.
	8. Shareholders.
	9. Registry of shareholders.
	10. Addresses of shareholders.
Transfer of Shares.	11. Certificates of shares to be issued to the shareholders.
	12. Certificate to be evidence.
	13. Certificate to be renewed when destroyed.
	14. Transfer of shares to be by deed duly stamped.
	15. Transfers of shares to be registered, &c.
Payment of Calls.	16. Transfer not to be made until calls paid.
	17. Closing of transfer books.
	18. Transmission of shares by other means than transfer to be authenticated by a declaration.
	19. Proof of transmission by marriage, will, &c.
	20. Company not bound to regard trusts.
Non-payment of Calls.	21. Subscriptions to be paid when called for.
	22. Power to make calls.
	23. Interest to be paid on calls unpaid.
	24. Power to allow interest on payment of subscriptions before call.
	25. Enforcement of calls by action.
Remedies against Shareholders.	26. Declaration in action for calls.
	27. Matter to be proved in action for calls.
	28. Proof of proprietorship.
	29. Forfeiture of shares for non-payment of calls.
	30. Notice of forfeiture to be given before declaration thereof.
Power to borrow Money.	31. Forfeiture to be confirmed by a general meeting.
	32. Sale of forfeited shares.
	33. Evidence as to forfeiture of shares.
	34. No more shares to be sold than sufficient for payment of calls.
	35. On payment of calls before sale the forfeited shares to revert.
Loans.	36. Execution against shareholders to the extent of their shares in capital not paid up.
	37. Reimbursement of such shareholders.
	38. Power to borrow money.
	39. Power to re-borrow.
	40. Evidence of authority for borrowing.
Consolidation of Shares.	41. Mortgages and bonds to be stamped.
	42. Rights of mortgagees.
	43. Application of calls, notwithstanding mortgage.
	44. Rights of obligees.
	45. Register of mortgages and bonds.
General Meetings.	46. Transfers of mortgages and bonds to be stamped.
	47. Transfers of mortgages and bonds to be registered.
	48. Payment of interest on monies borrowed.
	49. Transfers of interest to be stamped.
	50. Repayment of money borrowed at a time fixed.
	51. Repayment of money borrowed where no time fixed.
	52. Interest to cease on expiration of notice to pay off mortgage or bond.
	53. Arrears of interest, when to be enforced by appointment of a receiver.—Arrears of principal and interest.
	54. Appointment of receiver.
	55. Access to account books by mortgagees.
	56. Power to convert loan into capital.
	57. New shares to be considered same as original shares.
	58. If old shares at premium new shares to be offered to the shareholders.
	59. Shares to vest in the parties accepting; otherwise to be disposed of by the directors.
	60. If not at a premium, to be issued as company think fit.
	61. Power to consolidate shares into stock.
	62. Proprietors of stock may transfer the same.
	63. Register of stock.
	64. Proprietors of stock entitled to dividends.
	65. Application of capital.
	66. Ordinary meetings to be held half yearly.
	67. Business at ordinary meetings.
	68. Extraordinary meetings.
	69. Business at extraordinary meetings.
	70. Extraordinary meetings may be required by shareholders.
	71. Notice of meetings.
	72. Quorum for a general meeting.

General Meetings.	73. Chairman at general meetings.
	74. Business at meetings and adjournments.
	75. Votes of shareholders.
	76. Manner of voting.
	77. Regulations as to proxies.
	78. Votes of joint shareholders.
	79. Votes of lunatics and minors, &c.
	80. Proof of a particular majority of votes only required in the event of a poll being demanded.
Appointment and Relation of Directors.	81. Number of directors.
	82. Power to vary the number of directors.
	83. Election of directors.
	84. Existing directors continued on failure of meeting for election of directors.
	85. Qualification of directors.
Powers of Directors.	86. Cases in which office of director shall become vacant.
	87. Shareholder of an incorporated joint-stock company not disqualified by reason of contracts.
	88. Rotation of directors.
	89. Supply of occasional vacancies in office of directors.
	90. Powers of the company to be exercised by the directors.
Proceedings of Directors.	91. Powers of the company not to be exercised by the directors.
	92. Meetings of directors.
	93. Permanent chairman of directors.
	94. Occasional chairman of directors.
	95. Committees of directors.—Powers of committees.
Auditors.	96. Meetings of committees.
	97. Contracts by committees or directors, how to be entered into.
	98. Proceedings to be entered in a book, and to be evidence.
	99. Informalities in appointment of directors not to invalidate proceedings.
	100. Directors not to be personally liable.—Indemnity of directors.
Accounts.	101. Election of auditors.
	102. Qualification of auditors.
	103. Rotation of auditors.
	104. Vacancies in office of auditor.
	105. Failure of meeting to elect auditor.
Accountability of Officers.	106. Delivery of balance sheet, &c. by directors to auditors.
	107. Duty of auditors.
	108. Powers of auditors.
	109. Security to be taken from officers intrusted with money.
	110. Officers to account on demand.
Dividends.	111. Summary remedy against parties failing to account.
	112. Officers refusing to deliver up documents, &c. to be imprisoned.
	113. Where officer about to abscond a warrant may be issued in the first instance.
	114. Sureties not to be discharged.
	115. Accounts to be kept.
Bye-laws.	116. Books to be balanced.
	117. Inspection of accounts by shareholders at stated times.
	118. Balance sheet to be produced at the meeting.
	119. Book-keeper to allow inspection of the accounts at the appointed times.
	120. Previously to declaration of dividends a scheme to be prepared.
Arbitration.	121. Dividend not to be made so as to reduce capital.
	122. Power to directors to set apart a fund for contingencies.
	123. Dividend not to be paid unless all calls paid.
	124. Power to make bye-laws for the officers of the company.
	125. Fines for breach of such bye-laws.
Notices.	126. Bye-laws to be so framed as that penalties may be mitigated.
	127. Evidence of bye-laws.
	128. Where questions are to be determined by arbitration, arbitrators to be appointed within fourteen days after notice.
	129. Vacancy of arbitrator to be supplied.
	130. Appointment of umpire.
	131. Board of Trade empowered to appoint an umpire, on neglect of the arbitrators, in case of railway companies.
	132. Power of arbitrators to call for books, &c.
	133. Costs to be in the discretion of the arbitrators.
	134. Submission to arbitration to be made rule of court.
	135. Service of notices upon company.
	136. Service by company on shareholders.
	137. Notices to joint proprietors of shares.
	138. Notices by advertisement.

<i>Notices.</i>	<ul style="list-style-type: none"> <li>139. Authentication of notices.</li> <li>140. Proof of debts in bankruptcy.</li> <li>141. Tender of amends.</li> <li>142. Provision for damages not otherwise provided for.</li> <li>143. Distress against the treasurer.</li> <li>144. Method of proceeding before Justices in questions of damages, &amp;c.</li> <li>145. Publication of penalties.</li> <li>146. Penalty for defacing boards used for such publication.</li> <li>147. Penalties to be summarily recovered before two Justices.</li> <li>148. Penalties may be levied by distress.</li> <li>149. Imprisonment in default of distress.</li> </ul>
<i>Recovery of Damages and Penalties.</i>	<ul style="list-style-type: none"> <li>150. Distress how to be levied.</li> <li>151. Distress not unlawful for want of form.</li> <li>152. Application of penalties.</li> <li>153. Penalties to be sued for within six months.</li> <li>154. Damage to be made good in addition to penalty.</li> <li>155. Penalty on witnesses making default.</li> <li>156. Transient offenders.</li> <li>157. Form of conviction.</li> <li>158. Proceedings not to be quashed for want of form.</li> </ul>
<i>Appeal.</i>	<ul style="list-style-type: none"> <li>159. Parties allowed to appeal to Quarter Sessions on giving security.</li> <li>160. Court to make such order as they think reasonable.</li> </ul>
<i>Access to special Act.</i>	<ul style="list-style-type: none"> <li>161. Copies of special Act to be kept and deposited, and allowed to be inspected.</li> <li>162. Penalty on company failing to keep or deposit such copies.</li> <li>163. Act not to extend to Scotland.</li> <li>164. For recovering calls against shareholders residing in Scotland.</li> <li>165. Act may be amended, &amp;c.</li> </ul>

By this Act,

After reciting, that it is expedient to comprise in one general Act sundry provisions relating to the constitution and management of joint-stock companies, usually introduced into Acts of Parliament authorising the execution of undertakings of a public nature by such companies, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for ensuring greater uniformity in the provisions themselves:—

It is Enacted,

I. That this Act shall apply to every joint-stock company which shall by any Act which shall hereafter be passed be incorporated for the purpose of carrying on any undertaking, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the company which shall be incorporated by such Act, and to the undertaking for carrying on which such company shall be incorporated, so far as the same shall be applicable thereto respectively; and such clauses and provisions, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, shall, save as aforesaid, form part of such Act, and be construed together therewith as forming one Act.

II. And with respect to the construction of this Act, and of other Acts to be incorporated therewith,—it is enacted as follows:—The expression “the special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed incorporating a joint-stock company for the purpose of carrying on any undertaking, and with which this Act shall be so incorporated as aforesaid; and the word “prescribed” used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word shall occur shall be construed as if instead of the word “prescribed” the expression “prescribed for that purpose in the special Act” had been used; and the expression “the undertaking” shall mean the undertaking or works, of whatever nature, which shall by the special Act be authorized to be executed.

III. The following words and expressions both in this and the special Act shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction; (that is to say,) Words importing the singular number only shall include the plural number; and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The word “Lands” shall extend to messuages, lands, tenements, and hereditaments of any tenure:

The word “Lease” shall include an agreement for a lease:

The word “Month” shall mean calendar month:

The expression “Superior Courts” shall mean Her Majesty’s superior courts of record at Westminster or Dublin, as the case may require:

The word “Oath” shall include affirmation in the case of Quakers, or other declaration lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath:

The word “County” shall include any riding or other like division of a county, and shall also include county of a city or county of a town:

The word "Justice" shall mean Justice of the Peace acting for the county, city, borough, liberty, cinque port, or other place where the matter requiring the cognizance of any such Justice shall arise, and who shall not be interested in the matter; and where any matter shall be authorized or required to be done by two Justices the expression "Two Justices" shall be understood to mean two Justices assembled and acting together in petty sessions:

The expression "the Company" shall mean the company constituted by the special Act:

The expression "the Directors" shall mean the directors of the company, and shall include all persons having the direction of the undertaking, whether under the name of directors, managers, committee of management, or under any other name:

The word "Shareholder" shall mean shareholder, proprietor, or member of the company; and in referring to any such shareholder, expressions properly applicable to a person shall be held to apply to a corporation: and

The expression "the Secretary" shall mean the secretary of the company, and shall include the word "Clerk."

IV. That in citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Companies Clauses Consolidation Act, 1845."

And after reciting, that it may be convenient in some cases to incorporate with Acts of Parliament hereafter to be passed some portion only of the provisions of this Act;—

It is Enacted,

V. That for the purpose of making any such incorporation it shall be sufficient in any such Act to enact that the clauses and provisions of this Act, with respect to the matter so proposed to be incorporated (describing such matter as it is described in this Act in the words introductory to the enactment with respect to such matter), shall be incorporated with such Act; and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

VI. And with respect to the distribution of the capital of the company into shares,—it is enacted, as follows: The capital of the company shall be divided into shares of the prescribed number and amount; and such shares shall be numbered in arithmetical progression, beginning with number one; and every such share shall be distinguished by its appropriate number.

VII. All shares in the undertaking shall be personal estate, and transmissible as such, and shall not be of the nature of real estate.

VIII. Every person who shall have subscribed the prescribed sum or upwards to the capital of the company, or shall otherwise have become entitled to a share in the company, and whose name shall have been entered on the register of shareholders hereinafter mentioned, shall be deemed a shareholder of the company.

IX. The company shall keep a book, to be called the "Register of Shareholders;" and in such book shall be fairly and distinctly entered, from time to time, the names of the several corporations, and the names and additions of the several persons entitled to shares in the company, together with the number of shares to which such shareholders shall be respectively entitled, distinguishing each share by its number, and the amount of the subscriptions paid on such shares, and the surnames or corporate names of the said shareholders shall be placed in alphabetical order; and such book shall be authenticated by the common seal of the company being affixed thereto; and such authentication shall take place at the first ordinary meeting, or at the next subsequent meeting of the company, and so from time to time at each ordinary meeting of the company.

X. In addition to the said register of shareholders, the company shall provide a book, to be called the "Shareholders Address Book," in which the secretary shall from time to time enter in alphabetical order the corporate names and places of business of the several shareholders of the company, being corporations, and the surnames of the several other shareholders with their respective christian names, places of abode, and descriptions, so far as the same shall be known to the company; and every shareholder, or if such shareholder be a corporation the clerk or agent of such corporation, may at all convenient times peruse such book gratis, and may require a copy thereof or of any part thereof; and for every hundred words so required to be copied, the company may demand a sum not exceeding 6d.

XI. On demand of the holder of any share the company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder; and such certificate shall have the common seal of the company affixed thereto; and such certificate shall specify the share in the undertaking to which such shareholder is entitled; and the same may be according to the form in the Schedule (A.) to this Act annexed, or to the like effect; and for such certificate the company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding 2s. 6d.

XII. The said certificate shall be admitted in all courts as *prima facie* evidence of the title of such shareholder, his executors, administrators, successors, or assigns, to the share therein specified; nevertheless the want of such certificate shall not prevent the holder of any share from disposing thereof.

XIII. If any such certificate be worn out or damaged, then, upon the same being produced at some meeting of the directors, such directors may order the same to be cancelled, and thereupon another similar certificate shall be given to the party in whom the property of such certificate, and of the share therein mentioned, shall be at the time vested; or if such certificate be lost or destroyed, then, upon proof thereof to the satisfaction of the directors, a similar certificate shall be given to the party entitled to the certificate so lost or destroyed; and in either case a due entry of the substituted certificate shall be made by the secretary in the register of shareholders; and for every such certificate so given or exchanged the company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding 2s. 6d.

xiv. And with respect to the transfer or transmission of shares,—it is enacted as follows: Subject to the regulations herein or in the special Act contained, every shareholder may sell and transfer all or any of his shares in the undertaking, or all or any part of his interest in the capital stock of the company, in case such shares shall, under the provision hereinafter contained, be consolidated into capital stock; and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated; and such deed may be according to the form in the Schedule (B.) to this Act annexed, or to the like effect.

xv. The said deed of transfer (when duly executed) shall be delivered to the secretary, and be kept by him; and the secretary shall enter a memorial thereof in a book to be called the "Register of Transfers," and shall indorse such entry on the deed of transfer, and shall on demand deliver a new certificate to the purchaser; and for every such entry, together with such indorsement and certificate, the company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding 2s. 6d.; and on the request of the purchaser of any share an indorsement of such transfer shall be made on the certificate of such share, instead of a new certificate being granted; and such indorsement, being signed by the secretary, shall be considered in every respect the same as a new certificate; and until such transfer has been so delivered to the secretary as aforesaid the vendor of the share shall continue liable to the company for any calls that may be made upon such share, and the purchaser of the share shall not be entitled to receive any share of the profits of the undertaking, or to vote in respect of such share.

xvi. No shareholder shall be entitled to transfer any share, after any call shall have been made in respect thereof, until he shall have paid such call, nor until he shall have paid all calls for the time being due on every share held by him.

xvii. It shall be lawful for the directors to close the register of transfers for the prescribed period, or if no period be prescribed, then for a period not exceeding fourteen days previous to each ordinary meeting, and they may fix a day for the closing of the same, of which seven days' notice shall be given by advertisement in some newspaper as after mentioned; and any transfer made during the time when the transfer books are so closed shall, as between the company and the party claiming under the same, but not otherwise, be considered as made subsequently to such ordinary meeting.

xviii. If the interest in any share have become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this or the special Act, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the directors shall require; and every such declaration shall state the manner in which and the party to whom such share shall have been so transmitted, and shall be made and signed by some credible person before a Justice, or before a Master or Master Extraordinary of the High Court of Chancery; and such declaration shall be left with the secretary, and thereupon he shall enter the name of the person entitled under such transmission in the register of shareholders; and for every such entry the company may demand any sum not exceeding the prescribed amount, and where no amount shall be prescribed then not exceeding 5s.; and until such transmission has been so authenticated no person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the undertaking, nor to vote in respect of any such share as the holder thereof.

xix. If such transmission be by virtue of the marriage of a female shareholder, the said declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or an official extract therefrom, shall, together with such declaration, be produced to the secretary; and upon such production in either of the cases aforesaid the secretary shall make an entry of the declaration in the said register of transfers.

xx. The company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the company, or if it stands in the names of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the company have had notice of such trusts; and the company shall not be bound to see to the application of the money paid upon such receipt.

xxi. And with respect to the payment of subscriptions and the means of enforcing the payment of calls,—it is enacted as follows: The several persons who have subscribed any money towards the undertaking, or their legal representatives, respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the company, at such times and places as shall be appointed by the company; and with respect to the provisions herein or in the special Act contained for enforcing the payment of calls, the word "Shareholder" shall extend to and include the legal personal representatives of such shareholder.

xxii. It shall be lawful for the company from time to time to make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they shall think fit, provided that twenty-one days' notice at the least be given of each call, and that no call exceed the prescribed amount, if any, and that successive calls be not made at less than the prescribed interval, if any, and that the aggregate amount of calls made in any one year do not exceed the prescribed amount, if any; and every shareholder shall be liable to pay the amount of the calls so made, in respect of the shares held by him, to the persons and at the times and places from time to time appointed by the company.

xxiii. If, before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate allowed by law from the day appointed for the payment thereof to the time of the actual payment.

XXIV. It shall be lawful for the company, if they think fit, to receive from any of the shareholders willing to advance the same all or any part of the monies due upon their respective shares beyond the sums actually called for; and upon the principal monies so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the company may pay interest at such rate, not exceeding the legal rate of interest for the time being, as the shareholder paying such sum in advance and the company shall agree upon.

XXV. If at the time appointed by the company for the payment of any call any shareholder fail to pay the amount of such call, it shall be lawful for the company to sue such shareholder for the amount thereof, in any court of law or equity having competent jurisdiction, and to recover the same, with lawful interest, from the day on which such call was payable.

XXVI. In any action or suit to be brought by the company against any shareholder to recover any money due for any call it shall not be necessary to set forth the special matter, but it shall be sufficient for the company to declare that the defendant is the holder of one share or more in the company (stating the number of shares), and is indebted to the company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more (stating the number and amount of each of such calls), whereby an action hath accrued to the company by virtue of this and the special Act.

XXVII. On the trial or hearing of such action or suit it shall be sufficient to prove that the defendant at the time of making such call was a holder of one share or more in the undertaking, and that such call was in fact made, and such notice thereof given as is directed by this or the special Act; and it shall not be necessary to prove the appointment of the directors who made such call, nor any other matter whatsoever; and thereupon the company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed, or that calls amounting to more than the sum prescribed for the total amount of calls in one year had been made within that period.

XXVIII. The production of the register of shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares.

XXIX. And with respect to the forfeiture of shares for nonpayment of calls,—it is enacted as follows: If any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the directors, at any time after the expiration of two months from the day appointed for payment of such call, may declare the share in respect of which such call was payable forfeited, and that whether the company have sued for the amount of such call or not.

XXX. Before declaring any share forfeited the directors shall cause notice of such intention to be left at or transmitted by the post to the usual or last place of abode of the person appearing by the register of shareholders to be the proprietor of such share; and if the holder of any such share be abroad, or if his usual or last place of abode be not known to the directors, by reason of its being imperfectly described in the shareholders' address book, or otherwise, or if the interest in any such share shall be known by the directors to have become transmitted otherwise than by transfer, as hereinbefore mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted, or may for the time being belong, shall not be known to the directors, the directors shall give public notice of such intention in the *London or Dublin Gazette*, according as the company's principal place of business shall be situate in England or Ireland, and also in some newspaper, as after mentioned; and the several notices aforesaid shall be given twenty-one days at least before the directors shall make such declaration of forfeiture.

XXXI. The said declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share until such declaration have been confirmed at some general meeting of the company to be held after the expiration of two months at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the company to confirm such forfeiture at any such meeting, and by an order at such meeting, or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of.

XXXII. After such confirmation as aforesaid it shall be lawful for the directors to sell the forfeited share, either by public auction or private contract, and if there be more than one such forfeited share, then either separately or together, as to them shall seem fit; and any shareholder may purchase any forfeited share so sold.

XXXIII. A declaration in writing, by some credible person not interested in the matter, made before any Justice, or before any Master or Master Extraordinary of the High Court of Chancery, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such declaration, and the receipt of the treasurer of the company for the price of such share, shall constitute a good title to such share; and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase; and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

XXXIV. The company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter.

XXXV. If payment of such arrears of calls and interest and expenses be made before any share so forfeited and vested in the company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

XXXVI. And with respect to the remedies of creditors of the company against the shareholders,—it is enacted as follows: If any execution, either at law or in equity, shall have been issued against the property or effects of the company, and if there

cannot be found sufficient whereon to levy such execution, then such execution may be issued against any of the shareholders to the extent of their shares respectively in the capital of the company not then paid up: Provided always, that no such execution shall issue against any shareholder except upon an order of the Court in which the action, suit, or other proceeding shall have been brought or instituted, made upon motion in open court after sufficient notice in writing to the persons sought to be charged; and upon such motion such Court may order execution to issue accordingly; and for the purpose of ascertaining the names of the shareholders, and the amount of capital remaining to be paid upon their respective shares, it shall be lawful for any person entitled to any such execution, at all reasonable times, to inspect the register of shareholders without fee.

XXXVII. If by means of any such execution any shareholder shall have paid any sum of money beyond the amount then due from him in respect of calls, he shall forthwith be reimbursed such additional sum by the directors out of the funds of the company.

XXXVIII. And with respect to the borrowing of money by the company on mortgage or bond,—it is enacted as follows: If the company be authorized by the special Act to borrow money on mortgage or bond, it shall be lawful for them, subject to the restrictions contained in the special Act, to borrow on mortgage or bond such sums of money as shall from time to time, by an order of a general meeting of the company, be authorized to be borrowed, not exceeding in the whole the sum prescribed by the special Act, and for securing the repayment of the money so borrowed, with interest, to mortgage the undertaking, and the future calls on the shareholders, or to give bonds in manner hereinafter mentioned.

XXXIX. If, after having borrowed any part of the money so authorized to be borrowed on mortgage or bond, the company pay off the same, it shall be lawful for them again to borrow the amount so paid off, and so from time to time; but such power of re-borrowing shall not be exercised without the authority of a general meeting of the company, unless the money be so re-borrowed in order to pay off any existing mortgage or bond.

XL. Where by the special Act the company shall be restricted from borrowing any money on mortgage or bond until a definite portion of their capital shall be subscribed or paid up, or where by this or the special Act the authority of a general meeting is required for such borrowing, the certificate of a Justice that such definite portion of the capital has been subscribed or paid up, and a copy of the order of a general meeting of the company authorizing the borrowing of any money, certified by one of the directors or by the secretary to be a true copy, shall be sufficient evidence of the fact of the capital required to be subscribed or paid up having been so subscribed or paid up, and of the order for borrowing money having been made; and upon production to any Justice of the books of the company, and of such other evidence as he shall think sufficient, such Justice shall grant the certificate aforesaid.

XLI. Every mortgage and bond for securing money borrowed by the company, shall be by deed under the common seal of the company, duly stamped, and wherein the consideration shall be truly stated; and every such mortgage-deed or bond may be according to the form in the Schedule (C.) or (D.) to this Act annexed, or to the like effect.

XLII. The respective mortgagees shall be entitled one with another to their respective proportions of the tolls, sums, and premises comprised in such mortgages, and of the future calls payable by the shareholders, if comprised therein, according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of priority of the date of any such mortgage, or of the meeting at which the same was authorized.

XLIII. No such mortgage (although it should comprise future calls on the shareholders) shall, unless expressly so provided, preclude the company from receiving and applying to the purposes of the company any calls to be made by the company.

XLIV. The respective obligees in such bonds shall, proportionally according to the amount of the monies secured thereby, be entitled to be paid, out of the tolls or other property or effects of the company, the respective sums in such bonds mentioned, and thereby intended to be secured, without any preference one above another by reason of priority of date of any such bond, or of the meeting at which the same was authorized, or otherwise howsoever.

XLV. A register of mortgages and bonds shall be kept by the secretary, and within fourteen days after the date of any such mortgage or bond an entry or memorial, specifying the number and date of such mortgage or bond, and the sums secured thereby, and the names of the parties thereto, with their proper additions, shall be made in such register; and such register may be perused at all reasonable times by any of the shareholders, or by any mortgagee or bond creditor of the company, or by any person interested in any such mortgage or bond, without fee or reward.

XLVI. Any party entitled to any such mortgage or bond may from time to time transfer his right and interest therein to any other person; and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated; and every such transfer may be according to the form in the Schedule (E.) to this Act annexed, or to the like effect.

XLVII. Within thirty days after the date of every such transfer, if executed within the United Kingdom, or otherwise within thirty days after the arrival thereof in the United Kingdom, it shall be produced to the secretary, and thereupon the secretary shall cause an entry or memorial thereof to be made in the same manner as in the case of the original mortgage; and after such entry every such transfer shall entitle the transferee to the full benefit of the original mortgage or bond in all respects; and no party, having made such transfer, shall have power to make void, release, or discharge the mortgage or bond so transferred, or any money thereby secured; and for such entry the company may demand a sum not exceeding the prescribed sum, or, where no sum shall be prescribed, the sum of 2s. 6d.; and until such entry the company shall not be in any manner responsible to the transferee in respect of such mortgage.

XLVIII. The interest of the money borrowed upon any such mortgage or bond shall be paid at the periods appointed in such mortgage or bond, and if no period be appointed, half-yearly, to the several parties entitled thereto, and in preference to any dividends payable to the shareholders of the company.

**XLIX.** The interest on any such mortgage or bond shall not be transferable, except by deed duly stamped.

**L.** The company may, if they think proper, fix a period for the repayment of the principal money so borrowed, with the interest thereof, and in such case the company shall cause such period to be inserted in the mortgage-deed or bond; and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to such mortgage or bond; and if no other place of payment be inserted in such mortgage-deed or bond, such principal and interest shall be payable at the principal office or place of business of the company.

**LI.** If no time be fixed in the mortgage-deed or bond for the repayment of the money so borrowed, the party entitled to the mortgage or bond may, at the expiration or at any time after the expiration of twelve months from the date of such mortgage or bond, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months previous notice for that purpose; and in the like case the company may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or both, and if given by a mortgagee or bond creditor shall be delivered to the secretary or left at the principal office of the company, and if given by the company shall be given either personally to such mortgagee or bond creditor or left at his residence, or if such mortgagee or bond creditor be unknown to the directors, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the *London or Dublin Gazette*, according as the principal office of the company shall be in England or Ireland, and in some newspaper as after mentioned.

**LII.** If the company shall have given notice of their intention to pay off any such mortgage or bond at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable on such mortgage or bond, unless, on demand of payment made pursuant to such notice, or at any time thereafter, the company shall fail to pay the principal and interest due at the expiration of such notice on such mortgage or bond.

**LIII.** Where by the special Act the mortgagees of the company shall be empowered to enforce the payment of the arrears of interest, or the arrears of principal and interest, due on such mortgages, by the appointment of a receiver, then, if within thirty days after the interest accruing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee may, without prejudice to his right to sue for the interest so in arrear in any of the superior courts of law or equity, require the appointment of a receiver, by an application to be made as hereinafter provided; and if within six months after the principal money owing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any of the superior courts of law or equity, may, if his debt amount to the prescribed sum alone, or if his debt does not amount to the prescribed sum, he may, in conjunction with other mortgagees whose debts, being so in arrear, after demand as aforesaid, shall, together with his, amount to the prescribed sum, require the appointment of a receiver, by an application to be made as hereinafter provided.

**LIV.** Every application for a receiver in the cases aforesaid shall be made to two Justices, and on any such application it shall be lawful for such Justices, by order in writing, after hearing the parties, to appoint some person to receive the whole or a competent part of the tolls or sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the tolls or sums aforesaid, be fully paid; and upon such appointment being made all such tolls and sums of money as aforesaid shall be paid to and received by the person so to be appointed; and the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such receiver shall have been appointed; and after such interest and costs, or such principal, interest, and costs, have been so received, the power of such receiver shall cease.

**LV.** At all reasonable times the books of account of the company shall be open to the inspection of the respective mortgagees and bond creditors thereof, with liberty to take extracts therefrom, without fee or reward.

**LVI.** And with respect to the conversion of the borrowed money into capital,—it is enacted as follows: It shall be lawful for the company, if they think fit, unless it be otherwise provided by the special Act, to raise the additional sum so authorized to be borrowed, or any part thereof, by creating new shares of the company, instead of borrowing the same, or having borrowed the same, to continue at interest only a part of such additional sum, and to raise part thereof by creating new shares; but no such augmentation of capital as aforesaid shall take place without the previous authority of a general meeting of the company.

**LVII.** The capital so to be raised by the creation of new shares shall be considered as part of the general capital, and shall be subject to the same provisions in all respects, whether with reference to the payment of calls, or the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital, except as to the times of making calls for such additional capital, and the amount of such calls, which respectively it shall be lawful for the company from time to time to fix as they shall think fit.

**LVIII.** If at the time of any such augmentation of capital taking place by the creation of new shares the then existing shares be at a premium, or of greater actual value than the nominal value thereof, then, unless it be otherwise provided by the special Act, the sum so to be raised shall be divided into shares of such amount as will conveniently allow the same to be apportioned among the then shareholders in proportion to the existing shares held by them respectively; and such new shares shall be offered to the then shareholders in the proportion aforesaid; and such offer shall be made by letter under the hand of the secretary given to or sent by post, addressed to each shareholder according to his address in the shareholders' address book, or left at his usual or last place of abode.

**LIX.** The said new shares shall vest in and belong to the shareholders who shall accept the same, and pay the value thereof to the company at the time and by the instalments which shall be fixed by the company; and if any shareholder fail for one month after such offer of new shares to accept the same, and pay the instalments called for in respect thereof, it shall be lawful for the company to dispose of such shares in such manner as they shall deem most for the advantage of the company.



LX. If at the time of such augmentation of capital taking place the existing shares be not at a premium, then such new shares may be of such amount, and may be issued in such manner and on such terms, as the company shall think fit.

LXI. And with respect to the consolidation of the shares into stock,—it is enacted as follows: It shall be lawful for the company from time to time, with the consent of three-fifths of the votes of the shareholders present in person or by proxy at any general meeting of the company, when due notice for that purpose shall have been given, to convert or consolidate all or any part of the shares then existing in the capital of the company, and in respect whereof the whole money subscribed shall have been paid up, into a general capital stock, to be divided amongst the shareholders according to their respective interests therein.

LXII. After such conversion or consolidation shall have taken place all the provisions contained in this or the special Act which require or imply that the capital of the company shall be divided into shares of any fixed amount, and distinguished by numbers, shall, as to so much of the capital as shall have been so converted or consolidated into stock, cease and be of no effect, and the several holders of such stock may thenceforth transfer their respective interests therein, or any parts of such interests in the same manner and subject to the same regulations and provisions as or according to which any shares in the capital of the company might be transferred under the provisions of this or the special Act; and the company shall cause an entry to be made in some book, to be kept for that purpose, of every such transfer; and for every such entry they may demand any sum not exceeding the prescribed amount, or if no amount be prescribed a sum not exceeding 2s. 6d.

LXIII. The company shall from time to time cause the names of the several parties who may be interested in any such stock as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for the purpose, and to be called "The Register of Holders of Consolidated Stock;" and such book shall be accessible at all reasonable times to the several holders of shares or stock in the undertaking.

LXIV. The several holders of such stock shall be entitled to participate in the dividends and profits of the company, according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively the same privileges and advantages, for the purpose of voting at meetings of the company, qualification for the office of directors, and for other purposes, as would have been conferred by shares of equal amount in the capital of the company, but so that none of such privileges or advantages, except the participation in the dividends and profits of the company, shall be conferred by any aliquot part of such amount of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages respectively.

LXV. That all the money raised by the company, whether by subscriptions of the shareholders, or by loan or otherwise, shall be applied, firstly, in paying the costs and expenses incurred in obtaining the special Act, and all expenses incident thereto, and, secondly, in carrying the purposes of the company into execution.

LXVI. And with respect to the general meetings of the company, and the exercise of the right of voting by the shareholders,—it is enacted as follows: The first general meeting of the shareholders of the company shall be held within the prescribed time, or if no time be prescribed, within one month after the passing of the special Act, and the future general meetings shall be held at the prescribed periods, and if no periods be prescribed, in the months of February and August in each year, or at such other stated periods as shall be appointed for that purpose by an order of a general meeting; and the meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all meetings, whether ordinary or extraordinary, shall be held in the prescribed place, if any, and if no place be prescribed, then at some place to be appointed by the directors.

LXVII. No matters, except such as are appointed by this or the special Act to be done at an ordinary meeting, shall be transacted at any such meeting, unless special notice of such matters have been given in the advertisement convening such meeting.

LXVIII. Every general meeting of the shareholders, other than an ordinary meeting, shall be called an "Extraordinary Meeting;" and such meetings may be convened by the directors at such times as they think fit.

LXIX. No extraordinary meeting shall enter upon any business not set forth in the notice upon which it shall have been convened.

LXX. It shall be lawful for the prescribed number of shareholders, holding in the aggregate shares to the prescribed amount, or, where the number of shareholders or amount of shares shall not be prescribed, it shall be lawful for twenty or more shareholders holding in the aggregate not less than one-tenth of the capital of the company, by writing under their hands, at any time to require the directors to call an extraordinary meeting of the company; and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the company, or given to at least three directors, or left at their last or usual places of abode; and forthwith upon the receipt of such requisition the directors shall convene a meeting of the shareholders; and if for twenty-one days after such notice the directors fail to call such meeting, the prescribed number, or such other number as aforesaid, of shareholders, qualified as aforesaid, may call such meeting, by giving fourteen days' public notice thereof.

LXXI. Fourteen days' public notice at the least of all meetings, whether ordinary or extraordinary, shall be given by advertisement, which shall specify the place, the day, and the hour of meeting; and every notice of an extraordinary meeting or of an ordinary meeting, if any other business than the business hereby or by the special Act appointed for ordinary meetings is to be done thereat, shall specify the purpose for which the meeting is called.

LXXII. In order to constitute a meeting (whether ordinary or extraordinary) there shall be present, either personally or by proxy, the prescribed quorum, and if no quorum be prescribed then shareholders holding in the aggregate not less than one-twentieth of the capital of the company, and being in number not less than one for every 500*l.* of such required proportion of capital, unless such number would be more than twenty, in which case twenty shareholders, holding not less than

one-twentieth of the capital of the company, shall be the quorum; and if within one hour from the time appointed for such meeting the said quorum be not present no business shall be transacted at the meeting, other than the declaring of a dividend, in case that shall be one of the objects of the meeting, but such meeting shall, except in the case of a meeting for the election of directors, hereinafter mentioned, be held to be adjourned *sine die*.

LXXIII. At every meeting of the company one or other of the following persons shall preside as chairman; that is to say, the chairman of the directors, or in his absence the deputy chairman (if any), or in the absence of the chairman and deputy chairman some one of the directors of the company to be chosen for that purpose by the meeting, or in the absence of the chairman and deputy chairman and of all the directors, any shareholder to be chosen for that purpose by a majority of the shareholders present at such meeting.

LXXIV. The shareholders present at any such meeting shall proceed in the execution of the powers of the company with respect to the matters for which such meeting shall have been convened, and those only; and every such meeting may be adjourned from time to time, and from place to place; and no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.

LXXV. At all general meetings of the company every shareholder shall be entitled to vote according to the prescribed scale of voting, and where no scale shall be prescribed every shareholder shall have one vote for every share up to ten, and he shall have an additional vote for every five shares beyond the first ten shares held by him up to one hundred, and an additional vote for every ten shares held by him beyond the first hundred shares; provided always, that no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then due upon the shares held by him.

LXXVI. The votes may be given either personally or by proxies, being shareholders, authorized by writing according to the form in the Schedule (F.) to this Act annexed, or in a form to the like effect, under the hand of the shareholder nominating such proxy, or if such shareholder be a corporation, then under their common seal; and every proposition at any such meeting shall be determined by the majority of votes of the parties present, including proxies, the chairman of the meeting being entitled to vote, not only as a principal and proxy, but to have a casting vote if there be an equality of votes.

LXXVII. No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the secretary of the company the prescribed period, or, if no period be prescribed, not less than forty-eight hours before the time appointed for holding the meeting at which such proxy is to be used.

LXXVIII. If several persons be jointly entitled to a share, the person whose name stands first in the register of shareholders as one of the holders of such share shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof; and on all occasions the vote of such first-named shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof.

LXXIX. If any shareholder be a lunatic or idiot, such lunatic or idiot may vote by his committee; and if any shareholder be a minor he may vote by his guardian or any one of his guardians; and every such vote may be given either in person or by proxy.

LXXX. Whenever in this or the special Act the consent of any particular majority of votes at any meeting of the company is required in order to authorize any proceeding of the company, such particular majority shall only be required to be proved in the event of a poll being demanded at such meeting; and if such poll be not demanded, then a declaration by the chairman that the resolution authorizing such proceeding has been carried, and an entry to that effect in the book of proceedings of the company, shall be sufficient authority for such proceeding, without proof of the number or proportion of votes recorded in favour of or against the same.

LXXXI. And with respect to the appointment and rotation of directors,—it is enacted as follows: The number of directors shall be the prescribed number.

LXXXII. Where the company shall be authorized by the special Act to increase or to reduce the number of the directors it shall be lawful for the company, from time to time, in general meeting, after due notice for that purpose, to increase or reduce the number of the directors within the prescribed limits, if any, and to determine the order of rotation in which such reduced or increased number shall go out of office, and what number shall be a quorum at their meetings.

LXXXIII. The directors appointed by the special Act shall, unless thereby otherwise provided, continue in office until the first ordinary meeting to be held in the year next after that in which the special Act shall have passed; and at such meeting the shareholders present, personally or by proxy, may either continue in office the directors appointed by the special Act, or any number of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by the special Act being eligible as members of such new body; and at the first ordinary meeting to be held every year thereafter the shareholders present, personally or by proxy, shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions hereinafter contained; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead, as hereinafter mentioned.

LXXXIV. If at any meeting at which an election of directors ought to take place the prescribed quorum shall not be present within one hour from the time appointed for the meeting no election of directors shall be made, but such meeting shall stand adjourned to the following day at the same time and place; and if at the meeting so adjourned the prescribed quorum be not present within one hour from the time appointed for the meeting the existing directors shall continue to act and retain their powers until new directors be appointed at the first ordinary meeting of the following year.

LXXXV. No person shall be capable of being a director unless he be a shareholder, nor unless he be possessed of the prescribed number, if any, of shares; and no person holding an office or place of trust or profit under the company, or

interested in any contract with the company, shall be capable of being a director; and no director shall be capable of accepting any other office or place of trust or profit under the company, or of being interested in any contract with the company during the time he shall be a director.

LXXXVI. If any of the directors at any time subsequently to his election accept or continue to hold any other office or place of trust or profit under the company, or be either directly or indirectly concerned in any contract with the company, or participate in any manner in the profits of any work to be done for the company, or if such director at any time cease to be a holder of the prescribed number of shares in the company, then in any of the cases aforesaid the office of such director shall become vacant, and thenceforth he shall cease from voting or acting as a director.

LXXXVII. Provided always, that no person, being a shareholder or member of any incorporated joint-stock company, shall be disqualified or prevented from acting as a director by reason of any contract entered into between such joint-stock company and the company incorporated by the special Act; but no such director, being a shareholder or member of such joint-stock company, shall vote on any question as to any contract with such joint-stock company.

LXXXVIII. The directors appointed by the special Act, and continued in office as aforesaid, or the directors elected to supply the places of those retiring as aforesaid, shall, subject to the provision hereinbefore contained for increasing or reducing the number of directors, retire from office at the times and in the proportions following, the individuals to retire being in each instance determined by ballot among the directors, unless they shall otherwise agree; (that is to say,)

At the end of the first year after the first election of directors the prescribed number, and if no number be prescribed one third of such directors, to be determined by ballot among themselves, unless they shall otherwise agree, shall go out of office:

At the end of the second year the prescribed number, and if no number be prescribed one half of the remaining number of such directors, to be determined in like manner, shall go out of office:

At the end of the third year the prescribed number, and if no number be prescribed the remainder of such directors, shall go out of office:

And in each instance the places of the retiring directors shall be supplied by an equal number of qualified shareholders; and at the first ordinary meeting in every subsequent year the prescribed number, and if no number be prescribed one third of the directors, being those who have been longest in office, shall go out of office, and their places shall be supplied in like manner; nevertheless every director so retiring from office may be re-elected immediately or at any future time, and after such re-election shall, with reference to the going out by rotation, be considered as a new director: Provided always, that if the prescribed number of directors be some number not divisible by three, and the number of directors to retire be not prescribed, the directors shall in each case determine what number of directors, as nearly one third as may be, shall go out of office, so that the whole number shall go out of office, in three years.

LXXXIX. If any director die, or resign, or become disqualified or incompetent to act as a director, or cease to be a director by any other cause than that of going out of office by rotation as aforesaid, the remaining directors, if they think proper so to do, may elect in his place some other shareholder, duly qualified, to be a director; and the shareholder so elected to fill up any such vacancy shall continue in office as a director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

XC. And with respect to the powers of the directors, and the powers of the company to be exercised only in general meeting,—it is enacted as follows: The directors shall have the management and superintendence of the affairs of the company, and they may lawfully exercise all the powers of the company, except as to such matters as are directed by this or the special Act to be transacted by a general meeting of the company, but all the powers so to be exercised shall be exercised in accordance with and subject to the provisions of this and the special Act; and the exercise of all such powers shall be subject also to the controul and regulation of any general meeting specially convened for the purpose, but not so as to render invalid any act done by the directors prior to any resolution passed by such general meeting.

XCi. Except as otherwise provided by the special Act, the following powers of the company, (that is to say,) the choice and removal of the directors, except as hereinbefore mentioned, and the increasing or reducing of their number where authorized by the special Act, the choice of auditors, the determination as to the remuneration of the directors, auditors, treasurer, and secretary, the determination as to the amount of money to be borrowed on mortgage, the determination as to the augmentation of capital, and the declaration of dividends, shall be exercised only at a general meeting of the company.

XCII. And with respect to the proceedings and liabilities of the directors,—it is enacted as follows: The directors shall hold meetings at such times as they shall appoint for the purpose, and they may meet and adjourn as they think proper, from time to time, and from place to place; and at any time any two of the directors may require the secretary to call a meeting of the directors, and in order to constitute a meeting of directors, there shall be present at the least the prescribed quorum, and when no quorum shall be prescribed there shall be present at least one-third of the directors; and all questions at any such meetings shall be determined by the majority of votes of the directors present, and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as one of the directors.

XCIII. At the first meeting of directors held after the passing of the special Act, and at the first meeting of the directors held after each annual appointment of directors, the directors present at such meeting shall choose one of the directors to act as chairman of the directors for the year following such choice, and shall also, if they think fit, choose another director to act as deputy chairman for the same period; and if the chairman or deputy chairman die or resign, or cease to be a director, or otherwise become disqualified to act, the directors present at the meeting next after the occurrence of such vacancy shall choose some other of the directors to fill such vacancy; and every such chairman or deputy chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such death, resignation, removal, or disqualification had not happened.

xciv. If at any meeting of the directors neither the chairman nor deputy chairman be present the directors present shall choose some one of their number to be chairman of such meeting.

xcv. It shall be lawful for the directors to appoint one or more committees, consisting of such number of directors as they think fit, within the prescribed limits, if any, and they may grant to such committees respectively power on behalf of the company to do any acts relating to the affairs of the company which the directors could lawfully do, and which they shall from time to time think proper to intrust to them.

xcvi. The said committees may meet from time to time, and may adjourn from place to place, as they think proper, for carrying into effect the purposes of their appointment; and no such committee shall exercise the powers intrusted to them except at a meeting at which there shall be present the prescribed quorum, or if no quorum be prescribed then a quorum to be fixed for that purpose by the general body of directors; and at all meetings of the committees one of the members present shall be appointed chairman; and all questions at any meeting of the committee shall be determined by a majority of votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

xcvii. The power which may be granted to any such committee to make contracts, as well as the power of the directors to make contracts on behalf of the company, may lawfully be exercised as follows; (that is to say,)

With respect to any contract which, if made between private persons, would be by law required to be in writing, and under seal, such committee or the directors may make such contract on behalf of the company in writing, and under the common seal of the company, and in the same manner may vary or discharge the same:

With respect to any contract which, if made between private persons, would be by law required to be in writing, and signed by the parties to be charged therewith, then such committee or the directors may make such contract on behalf of the company in writing, signed by such committee or any two of them, or any two of the directors, and in the same manner may vary or discharge the same:

With respect to any contract which, if made between private persons, would by law be valid although made by parol only, and not reduced into writing, such committee or the directors may make such contract on behalf of the company by parol only, without writing, and in the same manner may vary or discharge the same:

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the company and their successors, and all other parties thereto, their heirs, executors, or administrators, as the case may be; and on any default in the execution of any such contract, either by the company or any other party thereto, such actions or suits may be brought, either by or against the company, as might be brought had the same contracts been made between private persons only.

xcviii. The directors shall cause notes, minutes, or copies, as the case may require, of all appointments made or contracts entered into by the directors, and of the orders and proceedings of all meetings of the company, and of the directors and committees of directors, to be duly entered in books, to be from time to time provided for the purpose, which shall be kept under the superintendence of the directors; and every such entry shall be signed by the chairman of such meeting; and such entry, so signed, shall be received as evidence in all courts, and before all Judges, Justices, and others, without proof of such respective meetings having been duly convened or held, or of the persons making or entering such orders or proceedings being shareholders or directors or members of committee respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed, until the contrary be proved.

xcix. All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director, shall, notwithstanding it may be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

c. No director, by being party to or executing in his capacity of director any contract or other instrument on behalf of the company, or otherwise lawfully executing any of the powers given to the directors, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies or goods or lands of the directors shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as directors; and the directors, their heirs, executors, and administrators, shall be indemnified out of the capital of the company for all payments made or liability incurred in respect of any acts done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them; and the directors for the time being of the company may apply the existing funds and capital of the company for the purposes of such indemnity, and may, if necessary for that purpose, make calls of the capital remaining unpaid, if any.

ci. And with respect to the appointment and duties of auditors,—it is enacted as follows: Except where by the special Act auditors shall be directed to be appointed otherwise than by the company, the company shall, at the first ordinary meeting after the passing of the special Act, elect the prescribed number of auditors, and if no number is prescribed two auditors, in like manner as is provided for the election of directors; and at the first ordinary meeting of the company in each year thereafter the company shall in like manner elect an auditor to supply the place of the auditor then retiring from office, according to the provision hereinafter contained; and every auditor elected as hereinbefore provided, being neither removed nor disqualified, nor having resigned, shall continue to be an auditor until another be elected in his stead.

cii. Where no other qualification shall be prescribed by the special Act, every auditor shall have at least one share in the undertaking; and he shall not hold any office in the company, nor be in any other manner interested in its concerns, except as a shareholder.

CIII. One of such auditors (to be determined in the first instance by ballot between themselves, unless they shall otherwise agree, and otherwise by seniority,) shall go out of office at the first ordinary meeting in each year; but the auditor so going out shall be immediately re-eligible, and after any such re-election shall, with respect to the going out of office by rotation be deemed a new auditor.

CIV. If any vacancy take place among the auditors in the course of the current year, then at any general meeting of the company the vacancy may, if the company think fit, be supplied by election of the shareholders.

CV. The provision of this Act respecting the failure of an ordinary meeting at which directors ought to be chosen shall apply *mutatis mutandis*, to an ordinary meeting at which an auditor ought to be appointed.

CVI. The directors shall deliver to such auditors the half-yearly or other periodical accounts and balance sheet, fourteen days at the least before the ensuing ordinary meeting at which the same are required to be produced to the shareholders as hereinafter provided.

CVII. It shall be the duty of such auditors to receive from the directors the half-yearly or other periodical accounts and balance sheet required to be presented to the shareholders, and to examine the same.

CVIII. It shall be lawful for the auditors to employ such accountants and other persons as they may think proper, at the expense of the company, and they shall either make a special report on the said accounts, or simply confirm the same; and such report or confirmation shall be read, together with the report of the directors, at the ordinary meeting.

CIX. And with respect to the accountability of the officers of the company,—it is enacted as follows: Before any person intrusted with the custody or controul of monies, whether treasurer, collector, or other officer of the company, shall enter upon his office, the directors shall take sufficient security from him for the faithful execution of his office.

CX. Every officer employed by the company shall from time to time, when required by the directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand of all monies received by him on behalf of the company; and such account shall state how, and to whom, and for what purpose such monies shall have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the directors, or to any person appointed by them to receive the same, all monies which shall appear to be owing from him upon the balance of such accounts.

CXI. If any such officer fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for three days after being thereunto required he fail to deliver up to the directors, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters, and things, in his possession or power, relating to the execution of this or the special Act, or any Act incorporated therewith, or belonging to the company, then, on complaint thereof being made to a Justice, such Justice shall summon such officer to appear before two or more Justices at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such officer, or in his absence upon proof that such summons was personally served upon him, or left at his last known place of abode, such Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear, either upon confession of such officer or upon evidence, or upon inspection of the account, that any monies of the company are in the hands of such officer, or owing by him to the company, such Justices may order such officer to pay the same; and if he fail to pay the amount it shall be lawful for such Justices to grant a warrant to levy the same by distress, or, in default thereof, to commit the offender to gaol, there to remain without bail for a period not exceeding three months, unless the same be sooner paid.

CXII. If any such officer refuse to make out such account in writing, or to produce and deliver to the Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things, in his possession or power, belonging to the company, such Justices may lawfully commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts, if any, in his possession or power, relating to such accounts, and have delivered up all books, papers, writings, property, effects, matters, and things, if any, in his possession or power, belonging to the company.

CXIII. Provided always, that if any director or other person acting on behalf of the company shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the Justice before whom the complaint is made, instead of issuing his summons, to issue his warrant for the bringing such officer before such two Justices as aforesaid; but no person executing such warrant shall keep such officer in custody longer than twenty-four hours, without bringing him before some Justice; and it shall be lawful for the Justice before whom such officer may be brought either to discharge such officer, if he think there is no sufficient ground for his detention, or to order such officer to be detained in custody, so as to be brought before two Justices, at a time and place to be named in such order, unless such officer give bail to the satisfaction of such Justice for his appearance before such Justices to answer the complaint of the company.

CXIV. No such proceeding against or dealing with any such officer as aforesaid shall deprive the company of any remedy which they might otherwise have against such officer, or any surety of such officer.

CXV. And with respect to the keeping of accounts, and the right of inspection thereof by the shareholders,—it is enacted as follows: The directors shall cause full and true accounts to be kept of all sums of money received or expended on account of the company by the directors and all persons employed by or under them, and of the matters and things for which such sums of money shall have been received or disbursed and paid.

CXVI. The books of the company shall be balanced at the prescribed periods, and, if no periods be prescribed, fourteen days at least before each ordinary meeting; and forthwith on the books being so balanced an exact balance sheet shall be

made up, which shall exhibit a true statement of the capital stock, credits, and property of every description belonging to the company, and the debts due by the company at the date of making such balance sheet, and a distinct view of the profit or loss which shall have arisen on the transactions of the company in the course of the preceding half year; and previously to each ordinary meeting such balance sheet shall be examined by the directors, or any three of their number, and shall be signed by the chairman or deputy chairman of the directors.

CXXV. The books so balanced, together with such balance sheet as aforesaid, shall for the prescribed periods, and if no periods be prescribed for fourteen days previous to each ordinary meeting, and for one month thereafter, be open for the inspection of the shareholders at the principal office or place of business of the company; but the shareholders shall not be entitled at any time, except during the periods aforesaid, to demand the inspection of such books, unless in virtue of a written order signed by three of the directors.

CXXVI. The directors shall produce to the shareholders assembled at such ordinary meeting the said balance sheet applicable to the period immediately preceding such meeting, together with the report of the auditors thereon, as hereinbefore provided.

CXXVII. The directors shall appoint a book-keeper to enter the accounts aforesaid in books to be provided for the purpose; and every such book-keeper shall permit any shareholder to inspect such books, and to take copies or extracts therefrom, at any reasonable time during the prescribed periods, and if no periods be prescribed during one fortnight before and one month after every ordinary meeting; and if he fail to permit any such shareholder to inspect such books, or take copies or extracts therefrom, during the periods aforesaid, he shall forfeit to such shareholder for every such offence a sum not exceeding 5*l*.

CXXVIII. And with respect to the making of dividends,—it is enacted as follows: Previously to every ordinary meeting at which a dividend is intended to be declared the directors shall cause a scheme to be prepared, shewing the profits, if any, of the company for the period current since the preceding ordinary meeting at which a dividend was declared, and apportioning the same, or so much thereof as they may consider applicable to the purposes of dividend, among the shareholders, according to the shares held by them respectively, the amount paid thereon, and the periods during which the same may have been paid, and shall exhibit such scheme at such ordinary meeting, and at such meeting a dividend may be declared according to such scheme.

CXXIX. The company shall not make any dividend whereby their capital stock will be in any degree reduced: Provided always, that the word "dividend" shall not be construed to apply to a return of any portion of the capital stock, with the consent of all the mortgagees and bond creditors of the company, due notice being given for that purpose at an extraordinary meeting to be convened for that object.

CXXX. Before apportioning the profits to be divided among the shareholders, the directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing, or improving the works connected with the undertaking, or any part thereof, and may divide the balance only among the shareholders.

CXXXI. No dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

CXXXII. And with respect to the making of bye-laws,—it is enacted as follows: It shall be lawful for the company from time to time to make such bye-laws as they think fit, for the purpose of regulating the conduct of the officers and servants of the company, and for providing for the due management of the affairs of the company in all respects whatsoever, and from time to time to alter or repeal any such bye-laws, and make others, provided such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the company; and a copy of such bye-laws shall be given to every officer and servant of the company affected thereby.

CXXXIII. It shall be lawful for the company, by such bye-laws, to impose such reasonable penalties upon all persons, being officers or servants of the company, offending against such bye-laws, as the company think fit, not exceeding 5*l*. for any one offence.

CXXXIV. All the bye-laws to be made by the company shall be so framed as to allow the Justice before whom any penalty imposed thereby may be sought to be recovered to order a part only of such penalty to be paid, if such Justice shall think fit.

CXXXV. The production of a written or printed copy of the bye-laws of the company, having the common seal of the company affixed thereto, shall be sufficient evidence of such bye-laws in all cases of prosecution under the same.

CXXXVI. And with respect to the settlement of disputes by arbitration,—it is enacted as follows: When any dispute authorized or directed by this or the special Act, or any Act incorporated therewith, to be settled by arbitration, shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall by writing under his hand nominate and appoint an arbitrator to whom such dispute shall be referred; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing shall have been served by the one party or the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute; and in such case the award or determination of such single arbitrator shall be final.

CXXXVII. If before the matters so referred shall be determined any arbitrator appointed by either party die, or become incapable or refuse or for seven days neglect to act as arbitrator, the party by whom such arbitrator was appointed may

nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so the remaining or other arbitrator may proceed *ex parte*; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, or disability as aforesaid.

CXXX. Where more than one arbitrator shall have been appointed such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ; and if such umpire shall die, or refuse or for seven days neglect to act, they shall forthwith after such death, refusal, or neglect appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final.

CXXXI. If in either of the cases aforesaid the said arbitrators shall refuse, or shall, for seven days after request of either party to such arbitration, neglect to appoint an umpire, it shall be lawful for the Board of Trade, if they think fit, in any case in which a railway company shall be one party to the arbitration, on the application of either party to such arbitration, to appoint an umpire; and the decision of such umpire on the matters on which the arbitrators shall differ shall be final.

CXXXII. The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

CXXXIII. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the costs of and attending every such arbitration to be determined by the arbitrators shall be in the discretion of the arbitrators or their umpires, as the case may be.

CXXXIV. The submission to any such arbitration may be made a rule of any of the superior courts, on the application of either of the parties.

CXXXV. And with respect to the giving of notices,—it is enacted as follows: Any summons or notice, or any writ, or other proceeding, at law or in equity, requiring to be served upon the company, may be served by the same being left at, or transmitted through the post directed to the principal office of the company, or one of their principal offices where there shall be more than one, or being given personally to the secretary, or in case there be no secretary then by being given to any one director of the company.

CXXXVI. Notices requiring to be served by the company upon the shareholders may, unless expressly required to be served personally, be served by the same being transmitted through the post directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the giving of such notice; and in proving such service it shall be sufficient to prove that such notice was properly directed, and that it was so put into the post office.

CXXXVII. All notices directed to be given to the shareholders shall, with respect to any share to which persons are jointly entitled, be given to whichever of the said persons shall be named first in the register of shareholders; and notice so given shall be sufficient notice to all the proprietors of such share.

CXXXVIII. All notices required by this or the special Act, or any Act incorporated therewith, to be given by advertisement shall be advertised in the prescribed newspaper, or if no newspaper be prescribed, or if the prescribed newspaper cease to be published, in a newspaper circulating in the district within which the company's principal place of business shall be situated.

CXXXIX. Every summons, notice, or other such document requiring authentication by the company, may be signed by two directors, or by the treasurer or the secretary of the company, and need not be under the common seal of the company, and the same may be in writing or in print, or partly in writing or partly in print.

CXL. That if any person against whom the company shall have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, it shall be lawful for the secretary or treasurer of the company, in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration, or act of insolvency against such bankrupt or insolvent, to represent the company, and act in their behalf, in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer, and not of the company.

CXLI. That if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made it shall be lawful for the defendant, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit; and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

CXLII. And with respect to the recovery of damages not specially provided for, and penalties,—it is enacted as follows: In all cases where any damages, costs, or expenses are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by two Justices; and if the amount so ascertained be not paid by the company or other party liable to pay the same within seven days after demand, the amount may be recovered by distress of the goods of the company or other party liable as aforesaid; and the Justices by whom the same shall have been ordered to be paid, or either of them, on application, shall issue their or his warrant accordingly.

CXLIII. If sufficient goods of the company cannot be found whereon to levy any such damages, costs, or expenses, payable by the company, the same may, if the amount thereof do not exceed 20*l.*, be recovered by distress of the goods of the treasurer of the company; and the Justices aforesaid, or either of them, on application, shall issue their or his warrant accordingly;

but no such distress shall issue against the goods of such treasurer unless seven days' previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and if such treasurer pay any money under such distress as aforesaid, he may retain the amount so paid by him, and all costs and expenses occasioned thereby, out of any money belonging to the company coming into his custody or controul, or he may sue the company for the same.

CLXIV. Where in this or the special Act, or any Act incorporated therewith, any question of compensation, expenses, charges, or damages is referred to the determination of any one Justice, or more, it shall be lawful for any Justice, upon the application of either party, to summon the other party to appear before one Justice, or before two Justices, as the case may require, at a time and place to be named in such summons; and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such one Justice, or such two Justices, as the case may be, to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, on oath; and the costs of every such inquiry shall be in the discretion of such Justices, and they shall determine the amount thereof.

CLXV. The company shall publish the short particulars of the several offences for which any penalty is imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law of the company affecting other persons than the shareholders, officers, or servants of the company, and of the amount of every such penalty, and shall cause such particulars to be printed on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the company, and where any such penalties are of local application shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner hereinbefore required.

CLXVI. If any person pull down or injure any board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the purpose of publishing any bye-law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding 5*l*., and shall defray the expenses attending the restoration of such board.

CLXVII. Every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two Justices; and on complaint being made to any Justice he shall issue a summons, requiring the party complained against to appear before two Justices at a time and place to be named in such summons; and every such summons shall be served on the party offending, either in person or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for two Justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them, and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such Justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such Justices shall think fit.

CLXVIII. If forthwith upon any such adjudication as aforesaid, the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by distress; and such Justices, or either of them, shall issue their or his warrant of distress accordingly.

CLXIX. It shall be lawful for any such Justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture, and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the Justice, for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing such warrant of distress it shall appear to the Justice, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Justice whereon to levy such penalty or forfeiture, and costs, he may, if he thinks fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall, by warrant, cause such offender to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such penalty or forfeiture, and costs, be sooner paid and satisfied.

CL. Where in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money, and the expenses of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.

CLL. No distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

CLLII. The Justices by whom any such penalty or forfeiture shall be imposed may, where the application thereof is not otherwise provided for, award not more than one half thereof to the informer, and shall award the remainder to the overseers of the poor of the parish in which the offence shall have been committed, for the benefit of the poor of such parish; or if the



place wherein the offence shall have been committed shall be extra-parochial, then such Justices shall direct such remainder to be applied for the benefit of the poor of such extra-parochial place, or of any adjoining parish or district, and shall order the same to be paid over to the proper officer for that purpose.

CLIII. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before a Justice, unless the complaint respecting such offence shall have been made before such Justice within six months next after the commission of such offence.

CLIV. If, through any act, neglect, or default on account whereof any person shall have incurred any penalty imposed by this or the special Act, or any Act incorporated therewith, any damage to the property of the company shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty; and the amount of such damages shall, in case of dispute, be determined by the Justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages, on demand, the same shall be levied by distress, and such Justices, or one of them, shall issue their or his warrant accordingly.

CLV. It shall be lawful for any Justice to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction, under the provisions of this or the special Act, or any Act incorporated therewith, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath or to give evidence before such Justice, every such person shall forfeit a sum not exceeding 5*l.* for every such offence.

CLVI. It shall be lawful for any officer or agent of the company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the special Act, or any Act incorporated therewith, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before some Justice, without any warrant or other authority than this or the special Act; and such Justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

CLVII. The Justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the Schedule (G.) to this Act annexed.

CLVIII. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts.

CLIX. If any party shall feel aggrieved by any determination or adjudication of any Justice with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the General Quarter Sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a Justice, conditioned duly to prosecute such appeal, and to abide the order of the Court thereon.

CLX. At the Quarter Sessions for which such notice shall be given the Court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

CLXI. And with respect to the provision to be made for affording access to the special Act by all parties interested,—it is enacted as follows: The company shall, at all times after the expiration of six months after the passing of the special Act, keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty, or some of them; and where the undertaking shall be a railway, canal, or other like undertaking, the works of which shall not be confined to one town or place, shall also, within the space of such six months, deposit in the office of each of the clerks of the peace of the several counties into which the works shall extend, and in the office of the town clerk of every burgh or city into which or within one mile of which the works shall extend, a copy of such special Act so printed as aforesaid; and the said clerks of the peace and town clerks shall receive, and they and the company respectively shall retain, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner and upon the like terms and under the like penalty for default as is provided in the case of certain plans and sections, by an Act 7 Will. 4. & 1 Vict. c. 83, intituled 'An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

CLXII. If the company shall fail to keep or deposit as hereinbefore mentioned any of the said copies of the special Act, they shall forfeit 20*l.* for every such offence, and also 5*l.* for every day afterwards during which such copy shall be not so kept or deposited.

CLXIII. That this Act shall not extend to Scotland.

CLXIV. Provided and enacted, That if any shareholder residing in Scotland shall fail to pay the amount of any call made upon him by the company in respect of any share held by him, it shall be lawful for the company to proceed against him in

Scotland, and to sue for and recover the amount of such call, or to declare such share forfeited, in such manner as is by "The Companies Clauses Consolidation (Scotland) Act, 1845," in case the same shall pass into a law, provided in regard to shareholders of any company in Scotland.

CLXV. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

### SCHEDULES referred to by the foregoing Act.

#### SCHEDULE (A.)

##### Form of Certificate of Share.

"The

Company."

Number

This is to certify, that *A.B.* is the Proprietor of the Share Number of "The Company," subject to the Regulations of the said Company. Given under the Common Seal of the said Company, the Day of in the Year of our Lord

#### SCHEDULE (B.)

##### Form of Transfer of Shares or Stock.

I of in consideration of the Sum of paid to me by do hereby transfer to the said Share [*or Shares*], numbered in the Undertaking called "The Company" [*or Pounds Consolidated Stock in the Undertaking called "The Company," standing (or Part of the Stock standing) in my Name in the Books of the Company,* to hold unto the said his Executors, Administrators, and Assigns [*or Successors and Assigns*], subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said do hereby agree to take the said Share [*or Shares*] [*or Stock*], subject to the same Conditions. As witness our Hands and Seals, the Day of

#### SCHEDULE (C.)

##### Form of Mortgage Deed.

"The

Company."

Mortgage, Number £ By virtue of [*here name the special Act*], we, "The Company," in consideration of the Sum of Pounds paid to us by *A.B.* of do assign unto the said *A.B.*, his Executors, Administrators, and Assigns, the said Undertaking, [*and (in case such Loan shall be in anticipation of the Capital authorized to be raised)* all future Calls on Shareholders], and all the Tolls and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Company in the same; to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof (*in case any Period be agreed upon for that Purpose*)], [at or any Place of Payment other than the principal Office of the Company]. Given under our Common Seal, this Day of in the Year of our Lord

#### SCHEDULE (D.)

##### Form of Bond.

"The

Company."

Bond, Number

By virtue of [*here name the special Act*], we, "The Company," in consideration of the Sum of Pounds to us in hand paid by *A.B.* of do bind ourselves and our Successors unto the said *A.B.*, his Executors, Administrators, or Assigns, in the penal Sum of Pounds. The Condition of the above Obligation is such, that if the said Company shall pay to the *A.B.*, his Executors, Administrators, or Assigns, [at (*in case any other Place of Payment than the principal Office of the Company be intended*),] on the Day of which will be in the Year One thousand eight hundred and the Principal Sum of Pounds, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and then the above-written Obligation is to become void, otherwise to remain in full force. Given under our Common Seal, this Day of One thousand eight hundred and

## SCHEDULE (E.)

*Form of Transfer of Mortgage or Bond.*

I *A.B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ paid to me by *G.H.* of \_\_\_\_\_ do hereby transfer to the said *G.H.*, his Executors, Administrators, and Assigns, a certain Bond [or Mortgage] Number \_\_\_\_\_ made by "The \_\_\_\_\_ Company" to \_\_\_\_\_ bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ for securing the Sum of \_\_\_\_\_ and \_\_\_\_\_ Interest [or, if such Transfer be by Indorsement, the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured [and if the Transfer be of a Mortgage, and in and to the Tolls, Money, and Property thereby assigned]. In witness whereof I have hereunto set my Hand and Seal, this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

## SCHEDULE (F.)

*Form of Proxy.*

*A.B.* \_\_\_\_\_ One of the Proprietors of "The \_\_\_\_\_ Company," doth hereby appoint *C.D.* of \_\_\_\_\_ to be the Proxy of the said *A.B.*, in his Absence to vote in his Name upon any Matter relating to the Undertaking proposed at the Meeting of the Proprietors of the said Company to be held on the \_\_\_\_\_ Day of \_\_\_\_\_ next, in such Manner as he the said *C.D.* doth think proper. In witness whereof the said *A.B.* hath hereunto set his Hand [or, if a Corporation, say the Common Seal of the Corporation], the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

## SCHEDULE (G.)

*Form of Conviction.*

to wit.  
BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ *A.B.* is convicted before us *C., D.*, Two of Her Majesty's Justices of the Peace for the County of \_\_\_\_\_ [here describe the Offence generally, and the Time and Place when and where committed], contrary to the [here name the special Act]. Given under our Hands and Seals, the Day and Year first-above written.

*C.*  
*D.*

## CAP. XVII.

AN ACT for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature in Scotland.

(8th May 1845)

## ABSTRACT OF THE ENACTMENTS.

1. Act to apply to all companies incorporated by Acts hereafter to be passed.
2. Interpretations in this Act :—"The special Act;" "prescribed;" "the undertaking."
3. Interpretations in this and the special Act :—"Number;" "gender;" "lands;" "lease;" "month;" "lord ordinary;" "sheriff;" "oath;" "county;" "Justice;" "two Justices;" "the company;" "directors;" "shareholder;" "secretary."
4. Short title of the Act.
5. Form in which portions of this Act may be incorporated with other Acts.
6. Capital to be divided into shares.
7. Shares to be personal estate.
8. Shareholders.
9. Registry of shareholders.
10. Addresses of shareholders.
11. Certificates of shares to be issued to the shareholders.
12. Certificate to be evidence.
13. Certificate to be renewed when destroyed.
14. Transfer of shares to be by deed duly stamped.
15. Regulating the form of transfers of shares.
16. Transfers of shares to be registered, &c.
17. Transfers not to be made until all calls paid.
18. Closing of transfer books.
19. Transmission of shares by other means than transfer to be authenticated by a declaration.
20. Proof of transmission by marriage, will, &c.
21. Company not bound to regard trusts.

Distribution  
of Capital.

Transfer of  
Shares.

Payment of  
Calls.

22. Subscriptions to be paid when called for.
23. Power to make calls.
24. Interest to be paid on calls unpaid.
25. Power to allow interest on payment of subscriptions before call.
26. Enforcement of calls by action.
27. Assent in action for calls.
28. Matter to be proved in action for calls.
29. Proof of proprietorship.
30. Forfeiture of shares for non-payment of calls.

Non-payment of  
Calls.

31. Notice of forfeiture to be given before declaration thereof.
32. Forfeiture to be confirmed by a general meeting.
33. Sale of forfeited shares.
34. Evidence as to forfeiture of shares.

Execution against  
Shareholders.

35. No more shares to be sold than sufficient for payment of calls.
36. On payment of calls before sale the forfeited shares to revert.
37. Limiting responsibility of shareholders.
38. Execution against shareholders to the extent of their shares in capital not paid up.
39. Reimbursement of such shareholders.
40. Company may borrow on mortgage or bond.
41. Power to re-borrow.
42. Evidence of authority for borrowing.
43. Mortgages and bonds to be by deed duly stamped.
44. Rights of mortgagees.
45. Application of calls, notwithstanding mortgage.
46. Mortgage to be personal estate.
47. Rights of obligees.
48. Register of mortgages and bonds.
49. Transfers of mortgages and bonds to be stamped.
50. Transfers of mortgages and bonds to be registered.
51. Payment of interest on monies borrowed.
52. Transfers of interest to be stamped.
53. Repayment of money borrowed at a time fixed.
54. Repayment of money borrowed where no time fixed.
55. Interest to cease on expiration of notice to pay off mortgage or bond.
56. Arrears of interest, when to be enforced by appointment of a judicial factor.—Arrears of principal

Power to borrow  
Money.

57. Appointment of judicial factor.
58. Access to account books by mortgagees.
59. Power to convert loan into capital.
60. New shares to be considered same as original shares.
61. If old shares at premium, new shares to be offered to original shareholders.
62. Shares to vest in the parties accepting; otherwise to be disposed of by the directors.
63. If not at a premium, to be issued as company think fit.
64. Power to consolidate shares into stock.
65. Proprietors of stock may transfer the same.
66. Register of stock.
67. Proprietors of stock entitled to dividends.
68. Application of capital.
69. Ordinary meetings to be held half-yearly.
70. Business at ordinary meetings.
71. Extraordinary meetings.
72. Business at extraordinary meetings.
73. Extraordinary meetings may be required by shareholders to be convened.
74. Notice of meetings.
75. Quorum for a general meeting.
76. Chairman at general meetings.
77. Business at meetings and adjournments.
78. Votes of shareholders.
79. Manner of voting.
80. Regulations as to proxies.
81. Votes of joint shareholders.
82. Votes of lunatics and minors, &c.
83. Proof of a particular majority of votes only required in the case of a poll being demanded.
84. Number of directors.
85. Power to vary the number of directors.
86. Election of directors.
87. Existing directors continued on failure of meeting for election of directors.
88. Qualification of directors.

## Loans.

Consolidation  
of  
Shares.

## General Meetings.

57. Appointment of judicial factor.
58. Access to account books by mortgagees.
59. Power to convert loan into capital.
60. New shares to be considered same as original shares.
61. If old shares at premium, new shares to be offered to original shareholders.
62. Shares to vest in the parties accepting; otherwise to be disposed of by the directors.
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85. Power to vary the number of directors.
86. Election of directors.
87. Existing directors continued on failure of meeting for election of directors.
88. Qualification of directors.

Appointment and  
Rotation of  
Directors.

<i>Appointment and Rotation of Directors.</i>	89. Cases in which office of director shall become vacant.
	90. Shareholder of an incorporated joint-stock company not disqualified by reason of contracts.
	91. Rotation of directors.
	92. Supply of occasional vacancies in office of directors.
<i>Powers of Directors.</i>	93. Powers of the company to be exercised by the directors.
	94. Powers of the company not to be exercised by the directors.
	95. Meetings of directors.
<i>Proceedings of Directors.</i>	96. Permanent chairman of directors.
	97. Occasional chairman of directors.
	98. Committees of directors.—Powers of committees.
	99. Meetings of committees.
	100. Contracts by committee or directors, how to be entered into.
	101. Proceedings to be entered in a book, and to be evidence.
	102. Informalities in appointment of directors not to invalidate proceedings.
<i>Auditors.</i>	103. Directors not to be personally liable.—Indemnity of directors.
	104. Election of auditors.
	105. Qualification of auditors.
	106. Rotation of auditors.
	107. Vacancies in office of auditor.
	108. Failure of meeting to elect auditor.
	109. Delivery of balance sheet, &c., by directors to auditors.
	110. Duty of auditors.
	111. Powers of auditors.
	112. Security to be taken from officers intrusted with money.
	113. Officers to account on demand.
<i>Accountability of Officers.</i>	114. Summary remedy against parties failing to account.
	115. Officers refusing to deliver up documents, &c. to be imprisoned.
	116. Where officer about to abscond, a warrant may be issued in the first instance.
	117. Sureties not to be discharged.
<i>Accounts.</i>	118. Accounts to be kept.
	119. Books to be balanced.
	120. Inspection of accounts by shareholders at stated times.
	121. Balance sheet to be produced at the meeting.
<i>Dividends.</i>	122. Bookkeeper to allow inspection of the accounts at appointed times.
	123. Previously to declaration of dividends a scheme to be prepared.
	124. Dividend not to be made so as to reduce capital.
	125. Power to directors to set apart a fund for contingencies.
<i>Bye-laws.</i>	126. Dividend not to be paid unless all calls paid.
	127. Power to make bye-laws for the officers of the company.
	128. Fines for breach of such bye-laws.
	129. Bye-laws to be so framed as that penalties may be mitigated.
<i>Arbitration.</i>	130. Evidence of bye-laws.
	131. Appointment of arbitrators when questions are to be determined by arbitration.
	132. Vacancy of arbitrator to be supplied.
	133. Appointment of umpire.
	134. Board of Trade empowered to appoint an umpire, on neglect of the arbitrators.
	135. Power of arbitrator to call for books, &c.
	136. Costs to be in the discretion of the arbitrators.
<i>Notices.</i>	137. Service of notices upon company.
	138. Service by company on shareholders.
	139. Notices to joint proprietors of shares.
	140. Notice by advertisement.
	141. Authentication of notices.
	142. Proof of debts in bankruptcy.
	143. Tender of amends.
<i>Recovery of Damages and Penalties.</i>	144. Provision for damages not otherwise provided for.
	145. Distress, &c. against the treasurer.
	146. Method of proceeding before the sheriff or Justices in questions of damages, &c.
	147. Publication of penalties.
	148. Penalty for defacing boards used for such publication.
	149. Penalties to be summarily recovered before the sheriff or two Justices.
	150. Penalties to be levied by distress.
	151. Imprisonment in default of distress.
	152. Distress, &c. how to be levied.
	153. Distress, &c. not unlawful for want of form.
	154. Application of penalties.
	155. Penalties to be sued for within six months.
	156. Damage to be made good in addition to penalty.

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| <i>Recovery of Damages<br/>and Penalties.</i> | { | 157. <i>Penalty on witnesses making default.</i>   |
|   |   | 158. <i>Transient offenders.</i>   |
|   |   | 159. <i>Proceedings by sheriff need not be in writing.</i>                                   |
|   |   | 160. <i>Form of conviction.</i>  |
| <i>Access to Special Act.</i>                 | { | 161. <i>Proceedings not to be quashed for want of form, nor removed by suspension.</i>       |
|   |   | 162. <i>Power of appeal to sheriff.</i>  |
|   |   | 163. <i>Parties allowed to appeal from Justices to Quarter Sessions, on giving security.</i> |
|   |   | 164. <i>Court to make such order as they think reasonable.</i>                               |
|   |   | 165. <i>Copies of special Act to be kept and deposited, and allowed to be inspected.</i>     |
|   |   | 166. <i>Penalty on company failing to keep or deposit such copies.</i>                       |
|   |   | 167. <i>Act may be amended this session.</i>   |

By this Act,

After reciting that it is expedient to comprise in one general Act sundry provisions relating to the constitution and management of joint-stock companies, usually introduced into Acts of Parliament authorizing the execution of undertakings of a public nature by such companies in Scotland, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for ensuring greater uniformity in the provisions themselves :—

It is Enacted,

I. That this Act shall apply to every joint-stock company in Scotland which shall by any Act of Parliament which shall hereafter be passed be incorporated for the purpose of carrying on any undertaking ; and this Act shall be incorporated with such Act, and all the clauses and provisions of this Act, save so far as they shall be varied or excepted by any such Act, shall apply to the company which shall be incorporated by any Act, and to the undertaking for carrying on which such company shall be incorporated, so far as the same shall be applicable thereto respectively ; and such enactments and provisions, as well as the enactments and provisions of every other Act which shall be incorporated with such Act, shall, save as aforesaid, form part of such Act, and be construed together therewith as forming one Act.

II. And with respect to the construction of this Act, and of other Acts to be incorporated therewith, it is enacted as follows : the expression “the special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed incorporating or constituting a joint-stock company for the purpose of carrying on any undertaking, and with which this Act shall be so incorporated as aforesaid ; and the word “prescribed” used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as shall be prescribed or provided for in the special Act ; and the sentence in which such word shall occur shall be construed as if instead of the word “prescribed” the expression “prescribed for that purpose in the special Act” had been used ; and the expression “the undertaking” shall mean the undertaking or works, of whatever nature which shall by the special Act be authorized to be executed.

III. The following words and expressions both in this and the special Act shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction ; (that is to say), Words importing the singular number only shall include the plural number ; and words importing the plural number only shall include the singular number :

Words importing the masculine gender only shall include females :

The word “Lands” shall extend to houses, lands, tenements, and heritages of any description or tenure :

The word “Lease” shall include a missive or an agreement for a lease :

The word “Month” shall mean calendar month :

The “Lord Ordinary” shall mean the lord ordinary of the Court of Session in Scotland officiating on the bills in time of vacation, or the junior lord ordinary, if in time of session, as the case may be :

The word “Sheriff” shall include the sheriff substitute :

The word “Oath” shall include affirmation in the case of Quakers, or other declaration lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath :

The word “County” shall include any ward or other like division of a county :

The word “Justice” shall mean Justice of the Peace acting for the county, city, or place where the matter requiring the cognizance of any such Justice shall arise, and who shall not be interested in the matter ; and where any matter shall be authorized or required to be done by two Justices, the expression “two Justices” shall be understood to mean two or more Justices assembled and acting together :

The expression “the Company” shall mean the company constituted by the special Act :

The expression “the Directors” shall mean the directors of the company, and shall include all persons having the direction of the undertaking, whether under the name of directors, managers, committee of management, or under any other name :

The word “Shareholder” shall mean shareholder, proprietor, or member of the company ; and in referring to any such shareholder, expressions properly applicable to a person shall be held to apply to a corporation : And

The expression “the Secretary” shall mean the secretary of the company, and shall include the word “Clerk.”

IV. That in citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression “The Companies Clauses Consolidation (Scotland) Act, 1845.”

And after reciting that it may be convenient in some cases to incorporate with Acts hereafter to be passed some portion only of the provisions of this Act :—

It is Enacted,

V. That for the purpose of making any such incorporation it shall be sufficient in any such Act to enact that the clauses and provisions of this Act, with respect to the matter so proposed to be incorporated (describing such matter as it is described

in this Act in the words introductory to the enactment with respect to such matter), shall be incorporated with such Act; and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

VI. And with respect to the distribution of the capital of the company into shares,—it is enacted as follows: The capital of the company shall be divided into shares of the prescribed number and amount; and such shares shall be numbered in arithmetical progression, beginning with number one; and every such share shall be distinguished by its appropriate number.

VII. All shares in the undertaking shall be personal estate, and transmissible as such, and shall not be of the nature of real estate.

VIII. Every person who shall have subscribed the prescribed sum or upwards to the capital of the company, or shall otherwise have become entitled to a share in the company, and whose name shall have been entered on the register of shareholders hereinafter mentioned, shall be deemed a shareholder of the company, and shall be entitled to have one share therein allotted to him in respect of every sum of the prescribed amount so subscribed by him.

IX. The company shall keep a book, to be called the "Register of Shareholders;" and in such book shall be fairly and distinctly entered from time to time, the names of the several corporations, and the names and additions of the several persons entitled to shares in the company, together with the number of shares to which such shareholders shall be respectively entitled, distinguishing each share by its number, and the amount of the subscriptions paid on such shares; and the surnames or corporate names of the said shareholders shall be placed in alphabetical order; and such book shall be authenticated by the common seal of the company being affixed thereto; and such authentication shall take place at the first ordinary meeting, or at the next subsequent meeting of the company, and so from time to time at each ordinary meeting of the company.

X. In addition to the said register of shareholders, the company shall provide a book, to be called the "Shareholders Address Book," in which the secretary shall from time to time enter in alphabetical order the corporate names and places of business of the several shareholders of the company, being corporations, and the surnames of the several other shareholders, with their respective christian names, places of abode, and descriptions, so far as the same shall be known to the company; and every shareholder, or if such shareholder be a corporation the clerk or agent of such corporation, may at all convenient times peruse such book *gratis*, and may require a copy thereof, or of any part thereof; and for every hundred words so required to be copied the company may demand a sum not exceeding 6*d.*

XI. On demand of the holder of any share the company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder; and such certificate shall have the common seal of the company affixed thereto; and such certificate shall specify the share in the undertaking to which such shareholder is entitled; and the same may be according to the form in the Schedule (A.) to this Act annexed, or to the like effect; and for such certificate the company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed then a sum not exceeding 2*s.* 6*d.*

XII. The said certificate shall be admitted in all courts as *prima facie* evidence of the title of such shareholder, his executors, administrators, successors, or assigns, to the share therein specified; nevertheless the want of such certificate shall not prevent the holder of any share from disposing thereof.

XIII. If any such certificate be worn out or damaged, then, upon the same being produced at some meeting of the directors, such directors may order the same to be cancelled, and thereupon another similar certificate shall be given to the party in whom the property of such certificate, and of the share therein mentioned, shall be at the time vested; or if such certificate be lost or destroyed, then, upon proof thereof to the satisfaction of the directors, a similar certificate shall be given to the party entitled to the certificate so lost or destroyed; and in either case a due entry of the substituted certificate shall be made by the secretary in the register of shareholders; and for every such certificate so given or exchanged the company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed then a sum not exceeding 2*s.* 6*d.*

XIV. And with respect to the transfer or transmission of shares,—it is enacted as follows: Subject to the regulations herein or in the special Act contained, every shareholder may sell and transfer all or any of his shares in the undertaking, or all or any part of his interest in the capital stock of the company, in case such shares shall, under the provisions hereinafter contained, be consolidated into capital stock; and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated; and such deed may be according to the form in the Schedule (B.) to this Act annexed, or to the like effect.

XV. Whereas there may be hereafter many shareholders of the company who reside in England, and sales of shares are frequently made by persons in England to persons in Scotland, and *vice versa*, and it would be attended with inconvenience if all transfers of shares were required to be executed according to the forms of the law of Scotland; all transfers of shares of the said company shall be valid and effectual if executed according to the usual mode of executing such instruments either in England or Scotland, or partly according to the one and partly according to the other.

XVI. The said deed of transfer (when duly executed) shall be delivered to the secretary, and be kept by him; and the secretary shall enter a memorial thereof in a book, to be called the "Register of Transfers," and shall indorse such entry on the deed of transfer, and shall, on demand, deliver a new certificate to the purchaser; and for every such entry and indorsement and certificate the company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed then a sum not exceeding 2*s.* 6*d.*; and on the request of the purchaser of any share an indorsement of such transfer shall be made on the certificate of such share, instead of a new certificate being granted; and such indorsement, being signed by the secretary, shall be considered in every respect the same as a new certificate; and until such transfer has been so delivered to the secretary as aforesaid the vendor of the share shall continue liable to the company for any calls that may be

made upon such share, and the purchaser of the share shall not be entitled to receive any share of the profits of the undertaking, or to vote in respect of such share.

XVII. No shareholder shall be entitled to transfer any share, after any call shall have been made in respect thereof, until he shall have paid such call, nor until he shall have paid all calls for the time being due on every share held by him.

XVIII. It shall be lawful for the directors to close the register of transfers for the prescribed period, or if no period be prescribed then for a period not exceeding fourteen days previous to each ordinary meeting, and they may fix a day for the closing of the same, of which seven days notice shall be given by advertisement in some newspaper as after mentioned; and any transfer made during the time when the transfer books are so closed shall, as between the company and the party claiming under the same, but not otherwise, be considered as made subsequently to such ordinary meeting.

XIX. If the interest in any share have become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this or the special Act, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the directors shall require; and every such declaration shall state the manner in which and the party to whom such share shall have been so transmitted, and shall be made and signed by some credible person before a sheriff or Justice; and such declaration shall be left with the secretary, and thereupon he shall enter the name of the person entitled under such transmission in the register of shareholders; and for every such entry the company may demand any sum not exceeding the prescribed amount, and where no amount shall be prescribed then not exceeding 5s.; and until such transmission has been so authenticated no person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the undertaking, nor to vote in respect of any such share as the holder thereof.

XX. If such transmission be by virtue of the marriage of a female shareholder, the said declaration shall contain a copy of the register of such marriage, or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of such share; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or an official extract therefrom, obtained from any prerogative court if granted in England, or a testamentary or testamentary dative if expedient in Scotland, or an official extract thereof, shall, together with such declaration, be produced to the secretary; and upon such production in either of the cases aforesaid the secretary shall make an entry of the declaration in the said register of transfers.

XXI. The company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the company, or if it stands in the names of more parties than one the receipt of the party first named in the register of shareholders and then surviving, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the company have had notice of such trusts; and the company shall not be bound to see to the application of the money paid upon such receipt.

XXII. And with respect to the payment of subscriptions and the means of enforcing the payment of calls,—it is enacted as follows: The several persons who have subscribed any money towards the undertaking, or their legal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the company, at such times and places as shall be appointed by the company; and with respect to the provisions herein or in the special Act contained for enforcing the payment of calls, the word "shareholder" shall extend to and include the legal personal representatives of such shareholder.

XXIII. It shall be lawful for the company from time to time to make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they shall think fit, provided that twenty-one days notice at the least be given of each call, and that no call exceed the prescribed amount, if any, and that successive calls be not made at less than the prescribed interval, if any, and that the aggregate amount of calls made in any one year do not exceed the prescribed amount, if any; and every shareholder shall be liable to pay the amount of the calls so made, in respect of the shares held by him, to the persons and at the times and places from time to time appointed by the company.

XXIV. If, before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate allowed by law from the day appointed for the payment thereof to the time of the actual payment.

XXV. It shall be lawful for the company, if they think fit, to receive from any of the shareholders willing to advance the same all or any part of the monies due upon their respective shares beyond the sums actually called for; and upon the principal monies so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the company may pay interest at such rate, not exceeding the legal rate of interest for the time being, as the shareholder paying such sum in advance and the company shall agree upon.

XXVI. If at the time appointed by the company for the payment of any call any shareholder fail to pay the amount of such call, it shall be lawful for the company to sue such shareholder for the amount thereof in any court of law or equity having competent jurisdiction, and to recover the same, with lawful interest from the day on which such call was payable.

XXVII. In any action or suit to be brought by the company against any shareholder to recover any money due for any call it shall not be necessary to set forth the special matter, but it shall be sufficient for the company to aver that the defender is the holder of one share or more in the company (stating the number of shares), and is indebted to the company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more (stating the number and amount of each of such calls), whereby an action hath accrued to the company by virtue of this and the special Act.



XXVIII. On the trial or hearing of such action or suit it shall be sufficient to prove that the defender at the time of making such call was a holder of one share or more in the undertaking, and that such call was in fact made, and such notice thereof given as is directed by this or the special Act; and it shall not be necessary to prove the appointment of the directors who made such call, nor any other matter whatsoever; and thereupon the company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed, or that calls amounting to more than the sum prescribed for the total amount of calls in one year had been made within that period.

XXIX. The production of the register of shareholders shall be *prima facie* evidence of such defender being a shareholder, and of the number and amount of his shares.

XXX. And with respect to the forfeiture of shares for non-payment of calls,—it is enacted as follows: If any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the directors, at any time after the expiration of two months from the day appointed for payment of such call, may declare the share in respect of which such call was payable forfeited, and that whether the company have sued for the amount of such call or not.

XXXI. Before declaring any share forfeited the directors shall cause notice of such intention to be left at or transmitted by the post to the usual or last place of abode of the person appearing by the register of shareholders to be the proprietor of such share; and if the holder of any such share be abroad, or if his usual or last place of abode be not known to the directors, by reason of its being imperfectly described in the shareholders address book, or otherwise, or if the interest in any such share shall be known by the directors to have become transmitted otherwise than by transfer, as hereinbefore mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted, or may for the time being belong, shall not be known to the directors, the directors shall give public notice of such intention in the *Edinburgh Gazette*, and also in some newspaper as after mentioned; and the several notices aforesaid shall be given twenty-one days at least before the directors shall make such declaration of forfeiture.

XXXII. The said declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share until such declaration have been confirmed at some general meeting of the company to be held after the expiration of two months at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the company to confirm such forfeiture at any such meeting, and by an order at such meeting, or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of.

XXXIII. After such confirmation as aforesaid it shall be lawful for the directors to sell the forfeited share, either by public auction or private contract, and if there be more than one such forfeited share, then either separately or together, as to them shall seem fit; and any shareholder may purchase any forfeited share so sold.

XXXIV. A declaration in writing, by some credible person not interested in the matter, made before any sheriff or Justice, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such declaration, and the receipt of the treasurer of the company for the price of such share, shall constitute a good title to such share; and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase; and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

XXXV. The company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter.

XXXVI. If payment of such arrears of calls and interest and expenses be made before any share so forfeited and vested in the company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture in such manner as if such calls had been duly paid.

XXXVII. If the said company shall be incorporated, no person or corporation, nor the estate real or personal of any such person or corporation, who is or shall be a proprietor of the said incorporated company, shall be liable for or charged with the payment of any debt or demand whatsoever due or to become due by or from the said company beyond the extent of his or their share in the capital of the said company.

XXXVIII. And with respect to the remedies of creditors of the company against the shareholders,—it is enacted as follows: If any legal diligence or execution shall have been issued against the property or effects of the company, and if there cannot be found sufficient whereon to levy under such diligence or execution, then such diligence or execution may be used against any of the shareholders to the extent of their shares respectively in the capital of the company not then paid up; and for the purpose of ascertaining the names of the shareholders, and the amount of capital remaining to be paid upon their respective shares it shall be lawful for any person entitled to any such execution, at all reasonable times, to inspect the register of shareholders without fee.

XXXIX. If by means of any such diligence or execution any shareholder shall have paid any sum of money beyond the amount then due from him in respect of calls, he shall forthwith be reimbursed such additional sum by the directors out of the funds of the company.

XL. And with respect to the borrowing of money by the company on mortgage or bond,—it is enacted as follows: If the company be authorized by the special Act to borrow money on mortgage or bond, it shall be lawful for them, subject to the restrictions contained in the special Act, to borrow on mortgage or bond such sums of money as shall from time to time, by an order of a general meeting of the company, be authorized to be borrowed, not exceeding in the whole the sum prescribed by the special Act, and for securing the repayment of the money so borrowed, with interest, to mortgage the undertaking, and the future calls on the shareholders, or to give bonds in manner hereinafter mentioned.

XLI. If, after having borrowed any part of the money so authorized to be borrowed on mortgage or bond, the company pay off the same, it shall be lawful for them again to borrow the amount so paid off, and so from time to time; but such power of re-borrowing shall not be exercised without the authority of a general meeting of the company, unless the money be so re-borrowed in order to pay off any existing bond or security.

XLII. Where by the special Act the company shall be restricted from borrowing any money on mortgage or bond until a definite portion of their capital shall be subscribed or paid up, or where by this or the special Act the authority of a general meeting is required for such borrowing, the certificate of a sheriff that such definite portion of the capital has been subscribed or paid up, and a copy of the order of a general meeting of the company authorizing the borrowing of any money, certified by one of the directors or by the secretary to be a true copy, shall be sufficient evidence of the fact of the capital required to be subscribed or paid up having been so subscribed or paid up, and of the order for borrowing money having been made; and upon production to any sheriff of the books of the company, and of such other evidence as he shall think sufficient, such sheriff shall grant the certificate as aforesaid.

XLIII. Every mortgage and bond for securing money borrowed by the company shall be by deed under the common seal of the company, duly stamped, and wherein the consideration shall be truly stated; and every such mortgage deed or bond may be according to the form in the Schedule (C.) or (D.) to this Act annexed, or to the like effect; and every such mortgage deed shall have the full effect of an assignation in security duly completed.

XLIV. The respective mortgagees shall be entitled one with another to their respective proportions of the tolls, sums, and premises comprised in such mortgages, and of the future calls payable by the shareholders, if comprised therein, according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of priority of the date of any such mortgage, or of the meeting at which the same was authorized.

XLV. No such mortgage (although it should comprise future calls on the shareholders) shall, unless expressly so provided, preclude the company from receiving and applying to the purposes of the company any calls to be made by the company.

XLVI. All mortgages and money lent on mortgage to the company shall be personal estate, and transmissible as such, and shall not be of the nature of real estate.

XLVII. The respective obligees in such bonds shall, proportionally according to the amount of the monies secured thereby, be entitled to be paid, out of the tolls or other property or effects of the company, the respective sums in such bonds mentioned, and thereby intended to be secured, without any preference one above another by reason of priority of date of any such bond, or of the meeting at which the same was authorized, or otherwise howsoever.

XLVIII. A register of mortgages and bonds shall be kept by the secretary, and within fourteen days after the date of any such mortgage or bond an entry or memorial, specifying the number and date of such mortgage or bond, and the sums secured thereby, and the names of the parties thereto, with their proper additions, shall be made in such register; and such register may be perused at all reasonable times by any of the shareholders, or by any mortgagee or bond creditor of the company, or by any person interested in any such mortgage or bond, without fee or reward.

XLIX. Any party entitled to any such mortgage or bond may from time to time transfer his right and interest therein to any other person; and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated; and every such transfer may be according to the form in the Schedule (E.) to this Act annexed, or to the like effect.

L. Within thirty days after the date of every such transfer, if executed within the United Kingdom, or otherwise within thirty days after the arrival thereof in the United Kingdom, it shall be produced to the secretary, and thereupon the secretary shall cause an entry or memorial thereof to be made in the same manner as in the case of the original mortgage; and after such entry every such transfer shall entitle the transferee to the full benefit of the original mortgage or bond in all respects; and no party, having made such transfer, shall have power to make void, release, or discharge the mortgage or bond so transferred, or any money thereby secured; and for such entry the company may demand a sum not exceeding the prescribed sum, or, where no sum shall be prescribed, the sum of 2s. 6d.; and until such entry the company shall not be in any manner responsible to the transferee in respect of such mortgage.

LI. The interest of the money borrowed upon any such mortgage or bond shall be paid at the periods appointed in such mortgage or bond, and if no period be appointed, half-yearly, to the several parties entitled thereto, and in preference to any dividends payable to the shareholders of the company.

LII. The interest on any such mortgage or bond shall not be transferable, except by deed duly stamped.

LIII. The company may, if they think proper, fix a period for the repayment of the principal money so borrowed, with the interest thereof, and in such case the company shall cause such period to be inserted in the mortgage deed or bond; and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to such mortgage or bond; and if no other place of payment be inserted in such mortgage deed or bond, such principal and interest shall be payable at the principal office or place of business of the company.

LIV. If no time be fixed in the mortgage deed or bond for the repayment of the money so borrowed, the party entitled to the mortgage or bond may, at the expiration or at any time after the expiration of twelve months from the date of such mortgage or bond, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months previous notice for that purpose; and in the like case the company may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or both, and if given by a mortgagee or bond creditor shall be delivered to the secretary, or left at the principal office of the company, and if given by the company shall be given either personally to such mortgagee or bond creditor or left at his residence, or if such mortgagee or bond creditor be unknown to the directors, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the *Edinburgh Gazette*, and in some newspaper as after mentioned.

LV. If the company shall have given notice of their intention to pay off any such mortgage or bond at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable on such mortgage or bond, unless on demand of payment made pursuant to such notice, or at any time thereafter, the company shall fail to pay the principal and interest due at the expiration of such notice on such mortgage or bond.

LVI. Where by the special Act the mortgagees of the company shall be empowered to enforce the payment of the arrear of interest, or the arrears of principal and interest, due on such mortgages, by the appointment of a judicial factor, then, if within thirty days after the interest accruing upon any such mortgage or bond has become payable, and after demand thereof in writing, the same be not paid, the mortgagee may, without prejudice to his right to sue for the interest so in arrear in any competent court, require the appointment of a judicial factor, by an application to be made as hereinafter provided; and if within six months after the principal money owing upon any such mortgage or bond has become payable, and after demand thereof in writing, the same be not paid, the mortgagee, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any competent court, may, if his debt amount to the prescribed sum alone, or if his debt does not amount to the prescribed sum, he may, in conjunction with other mortgagees, whose debts, being so in arrear, after demand as aforesaid, shall, together with his, amount to the prescribed sum, require the appointment of a judicial factor, by an application to be made as hereinafter provided.

LVII. Every application for a judicial factor in the cases aforesaid shall be made to the Court of Session, and on any such application so made, and after hearing the parties, it shall be lawful for the said court, by order in writing, to appoint some person to receive the whole or a competent part of the tolls or sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the tolls or sums aforesaid, be fully paid; and upon such appointment being made all such tolls and sums of money as aforesaid shall be paid to and received by the person so to be appointed; and the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such judicial factor shall have been appointed; and after such interest and costs, or such principal, interest, and costs, have been so received, the power of such judicial factor shall cease, and he shall be bound to account to the company for his intromissions, or the sums received by him, and to pay over to their treasurer any balance that may be in his hands.

LVIII. At all reasonable times the books of account of the company shall be open to the inspection of the respective mortgagees and bond creditors thereof, with liberty to take extracts therefrom, without fee or reward.

LIX. And with respect to the conversion of the borrowed money into capital,—it is enacted as follows: It shall be lawful for the company, if they think fit, unless it be otherwise provided by the special Act, to raise the additional sum so authorised to be borrowed, or any part thereof, by creating new shares of the company, instead of borrowing the same, or having borrowed the same, to continue at interest only a part of such additional sum, and to raise part thereof by creating new shares; but no such augmentation of capital as aforesaid shall take place without the previous authority of a general meeting of the company.

LX. The capital so to be raised by the creation of new shares shall be considered as part of the general capital, and shall be subject to the same provisions in all respects, whether with reference to the payment of calls, or the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital, except as to the times of making calls for such additional capital, and the amount of such calls, which respectively it shall be lawful for the company from time to time to fix as they shall think fit.

LXI. If at the time of any such augmentation of capital taking place by the creation of new shares the then existing shares be at a premium, or of greater actual value than the nominal value thereof, then, unless it be otherwise provided by the special Act, the sum so to be raised shall be divided into shares of such amount as will conveniently allow the same to be apportioned among the then shareholders in proportion to the existing shares held by them respectively; and such new shares shall be offered to the then shareholders in the proportion aforesaid; and such offer shall be made by letter under the hand of the secretary given to or sent by post, addressed to each shareholder according to his address in the shareholders address book, or left at his usual or last place of abode.

LXII. The said new shares shall vest in and belong to the shareholders who shall accept the same, and pay the value thereof to the company at the time and by the instalments which shall be fixed by the company; and if any shareholder fail for one month after such offer of new shares to accept the same, and pay the instalments called for in respect thereof, it shall be lawful for the company to dispose of such shares in such manner as they shall deem most for the advantage of the company.

LXIII. If at the time of such augmentation of capital taking place the existing shares be not at a premium, then such new shares may be of such amount, and may be issued in such manner and on such terms, as the company shall think fit.

LXIV. And with respect to the consolidation of the shares into stock,—it is enacted as follows,—it shall be lawful for the company from time to time, with the consent of three-fifths of the votes of the shareholders present in person or by proxy at

any general meeting of the company, when due notice for that purpose shall have been given, to convert or consolidate all or any part of the shares then existing in the capital of the company, and in respect whereof the whole money subscribed shall have been paid up, into a general capital stock, to be divided amongst the shareholders according to their respective interests therein.

LXV. After such conversion or consolidation shall have taken place all the provisions contained in this or the special Act which require or imply that the capital of the company shall be divided into shares of any fixed amount, and distinguished by numbers, shall, as to so much of the capital as shall have been so converted or consolidated into stock, cease and be of no effect, and the several holders of such stock may thenceforth transfer their respective interests therein, or any parts of such interests, in the same manner and subject to the same regulations and provisions as or according to which any shares in the capital of the company might be transferred under the provisions of this or the special Act; and the company shall cause an entry to be made in some book to be kept for that purpose of every such transfer; and for every such entry they may demand any sum not exceeding the prescribed amount, or if no amount be prescribed a sum not exceeding 2s. 6d.

LXVI. The company shall from time to time cause the names of the several parties who may be interested in any such stock as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for the purpose, and to be called "The Register of Holders of Consolidated Stock;" and such book shall be accessible at all reasonable times to the several holders of shares or stock in the undertaking.

LXVII. The several holders of such stock shall be entitled to participate in the dividends and profits of the company, according to the amount of their respective interests in such stock; and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively the same privileges and advantages, for the purpose of voting at meetings of the company, qualification for the office of directors, and for other purposes, as would have been conferred by shares of equal amount in the capital of the company, but so that none of such privileges or advantages, except the participation in the dividends and profits of the company, shall be conferred by any aliquot part of such amount of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages respectively.

LXVIII. That all the money raised by the company, whether by subscriptions of the shareholders, or by loan or otherwise, shall be applied, firstly, in paying the costs and expenses incurred in obtaining the special Act, and all expenses incident thereto, and, secondly, in carrying the purposes of the company into execution.

LXIX. And with respect to the general meetings of the company, and the exercise of the right of voting by the shareholders, — it is enacted as follows: The first general meeting of the shareholders of the company shall be held within the prescribed time, or if no time be prescribed within one month after the passing of the special Act, and the future general meetings shall be held at the prescribed periods, and if no periods be prescribed in the months of February and August in each year, or at each other stated periods as shall be appointed for that purpose by an order of a general meeting; and the meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all meetings, whether ordinary or extraordinary, shall be held in the prescribed place, if any, and if no place be prescribed then at some place to be appointed by the directors.

LXX. No matters, except such as are appointed by this or the special Act to be done at an ordinary meeting, shall be transacted at any such meeting, unless special notice of such matters have been given in the advertisement convening such meeting.

LXXI. Every general meeting of the shareholders, other than an ordinary meeting, shall be called an "Extraordinary Meeting;" and such meetings may be convened by the directors at such times as they think fit.

LXXII. No extraordinary meeting shall enter upon any business not set forth in the notice upon which it shall have been convened.

LXXIII. It shall be lawful for the prescribed number of shareholders, holding in the aggregate shares to the prescribed amount, or, where the number of shareholders or amount of shares shall not be prescribed, it shall be lawful for twenty or more shareholders, holding in the aggregate not less than one-tenth of the capital of the company, by writing under their hands, at any time to require the directors to call an extraordinary meeting of the company; and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the company, or given to at least three directors, or left at their last or usual places of abode; and forthwith upon the receipt of such requisition the directors shall convene a meeting of the shareholders; and if for twenty-one days after such notice the directors fail to call such meeting, the prescribed number of shareholders, or such other number as aforesaid, qualified as aforesaid, may call such meeting by giving fourteen days public notice thereof.

LXXIV. Ten days public notice at the least of all meetings, whether ordinary or extraordinary, shall be given by advertisement, which shall specify the place, the day, and the hour of meeting; and every notice of an extraordinary meeting, or of an ordinary meeting if any other business than the business hereby or by the special Act appointed for ordinary meetings is to be done thereat, shall specify the purpose for which the meeting is called.

LXXV. In order to constitute a meeting (whether ordinary or extraordinary) there shall be present, either personally or by proxy, the prescribed quorum, and if no quorum be prescribed then shareholders holding in the aggregate not less than one-twentieth of the capital of the company, and being in number not less than one for every 500*l*. of such required proportion of capital, unless such number would be more than twenty, in which case twenty shareholders holding not less than one-twentieth of the capital of the company shall be the quorum; and if within one hour from the time appointed for such meeting the said quorum be not present no business shall be transacted at the meeting other than the declaring of a dividend, in case that shall be one of the objects of the meeting, but such meeting shall, except in the case of a meeting for the election of directors hereinafter mentioned, be held to be adjourned *sine die*.

**LXXVI.** At every meeting of the company one or other of the following persons shall preside as chairman; that is to say, the chairman of the directors, or in his absence the deputy chairman (if any), or in the absence of the chairman and deputy chairman some one of the directors of the company to be chosen for that purpose by the meeting, or in the absence of the chairman and deputy chairman and of all the directors any shareholder to be chosen for that purpose by a majority of the shareholders present at such meeting.

**LXXVII.** The shareholders present at any such meeting shall proceed in the execution of the powers of the company with respect to the matters for which such meeting shall have been convened, and those only; and every such meeting may be adjourned from time to time, and from place to place; and no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.

**LXXVIII.** At all general meetings of the company every shareholder shall be entitled to vote according to the prescribed scale of voting, and where no scale shall be prescribed every shareholder shall have one vote for every share up to ten, and he shall have an additional vote for every five shares beyond the first ten shares held by him up to one hundred, and an additional vote for every ten shares held by him beyond the first hundred shares: Provided always, that no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then due upon the shares held by him.

**LXXIX.** The votes may be given either personally or by proxies, being shareholders, authorized by writing according to the form in the Schedule (F.) to this Act annexed, or in a form to the like effect, under the hand of the shareholder nominating such proxy, or if such shareholder be a corporation then under their common seal; and every proposition at any such meeting shall be determined by the majority of votes of the parties present, including proxies, the chairman of the meeting being entitled to vote, not only as a principal and proxy, but to have a casting vote if there be an equality of votes.

**LXXX.** No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the secretary of the company within the prescribed period, or, if no period be prescribed, not less than forty-eight hours before the time appointed for holding the meeting at which such proxy is to be used.

**LXXXI.** If several persons be jointly entitled to a share, the person whose name stands first in the register of shareholders as one of the holders of such share shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof; and on all occasions the vote of such first-named shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof.

**LXXXII.** If any shareholder be a lunatic or idiot, fatuous or furious person, such lunatic or idiot, fatuous or furious person, may vote by his tutor, curator, or other person appointed to manage his estate; and if any shareholder be a minor he may vote by his tutors or curators or any one of them; and every such vote may be given either in person or by proxy.

**LXXXIII.** Whenever in this or the special Act the consent of any particular majority of votes at any meeting of the company is required in order to authorize any proceeding of the company, such particular majority shall only be required to be proved in the event of a poll being demanded at such meeting; and if such poll be not demanded then a declaration by the chairman that a resolution authorizing such proceeding has been carried, and an entry to that effect in the book of proceedings of the company, shall be sufficient authority for such proceeding, without proof of the number or proportion of votes recorded in favour of or against the same.

**LXXXIV.** And with respect to the appointment and rotation of directors,—it is enacted as follows: The number of directors shall be the prescribed number.

**LXXXV.** Where the company shall be authorized by the special Act to increase or to reduce the number of the directors it shall be lawful for the company, from time to time in general meeting, after due notice for that purpose, to increase or reduce the number of the directors within the prescribed limits, if any, and to determine the order of rotation in which such reduced or increased number shall go out of office, and what number shall be a quorum of their meetings.

**LXXXVI.** The directors appointed by the special Act shall, unless thereby otherwise provided, continue in office until the first ordinary meeting to be held in the year next after that in which the special Act shall have passed; and at such meeting the shareholders present, personally or by proxy, may either continue in office the directors appointed by the special Act, or any number of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by the special Act being eligible as members of such new body; and at the first ordinary meeting to be held every year thereafter the shareholders present, personally or by proxy, shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions hereinafter contained; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead, as hereinafter mentioned.

**LXXXVII.** If at any meeting at which an election of directors ought to take place the prescribed quorum shall not be present within one hour from the time appointed for the meeting no election of directors shall be made, but such meeting shall stand adjourned to the following day, at the same time and place; and if at the meeting so adjourned the prescribed quorum be not present within one hour from the time appointed for the meeting, the existing directors shall continue to act and retain their powers until new directors be appointed at the first ordinary meeting of the following year.

**LXXXVIII.** No person shall be capable of being a director unless he be a shareholder, nor unless he be possessed of the prescribed number, if any, of shares; and no person holding an office or place of trust or profit under the company, or interested in any contract with the company, shall be capable of being a director; and no director shall be capable of accepting any other office or place of trust or profit under the company, or of being interested in any contract with the company, during the time he shall be a director.

lxxxix. If any of the directors at any time subsequently to his election accept or continue to hold any other office or place of trust or profit under the company, or be either directly or indirectly concerned in any contract with the company, or participate in any manner in the profits of any work to be done for the company, or if such director at any time cease to be a holder of the prescribed number of shares in the company, then in any of the cases aforesaid the office of such director shall become vacant, and thenceforth he shall cease from voting or acting as a director.

xc. Provided always, that no person, being a shareholder or member of any incorporated joint-stock company, shall be disqualified or prevented from acting as a director by reason of any contract entered into between such joint-stock company and the company incorporated by the special Act; but no such director, being a shareholder or member of such joint-stock company, shall vote on any question as to any contract with such joint-stock company.

xc. The directors appointed by the special Act, and continued in office as aforesaid, or the directors elected to supply the places of those retiring as aforesaid, shall, subject to the provision hereinbefore contained for increasing or reducing the number of directors, retire from office at the times and in the proportions following; the individuals to retire being in each instance determined by ballot among the directors, unless they shall otherwise agree; (that is to say,)

At the end of the first year after the first election of directors the prescribed number, and if no number be prescribed one-third of such directors, to be determined by ballot among themselves, unless they shall otherwise agree, shall go out of office:

At the end of the second year the prescribed number, and if no number be prescribed one-half of the remaining number of such directors, to be determined in like manner, shall go out of office:

At the end of the third year the prescribed number, and if no number be prescribed the remainder of such directors shall go out of office:

And in each instance the places of the retiring directors shall be supplied by an equal number of qualified shareholders; and at the first ordinary meeting in every subsequent year the prescribed number, and if no number be prescribed one-third of the directors, being those who have been longest in office, shall go out of office, and their places shall be supplied in like manner; nevertheless, every director so retiring from office may be re-elected immediately or at any future time, and after such re-election shall, with reference to the going out by rotation, be considered as a new director: Provided always, that if the prescribed number of directors be some number not divisible by three, and the number of directors to retire be not prescribed, the directors shall in each case determine what number of directors, as nearly one-third as may be, shall go out of office, so that the whole number shall go out of office in three years.

xcii. If any director die or resign, or become disqualified or incompetent to act as a director, or cease to be a director by any other cause than that of going out of office by rotation as aforesaid, the remaining directors, if they think proper so to do, may elect in his place some other shareholder, duly qualified, to be a director; and the shareholder so elected to fill up any such vacancy shall continue in office as a director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

xciii. And with respect to the powers of the directors and the powers of the company to be exercised only in general meetings,—it is enacted as follows: The directors shall have the management and superintendence of the affairs of the company, and they may lawfully exercise all the powers of the company, except as to such matters as are directed by this or the special Act to be transacted by a general meeting of the company; but all the powers so to be exercised shall be exercised in accordance with and subject to the provisions of this and the special Act; and the exercise of all such powers shall be subject also to the controul and regulation of any general meeting specially convened for the purpose, but not so as to render invalid any act done by the directors prior to any resolution passed by such general meeting.

xciv. Except as otherwise provided by the special Act, the following powers of the company, (that is to say,) the choice and removal of the directors, except as hereinbefore mentioned, and the increasing or reducing of their number where authorized by the special Act, the choice of auditors, the determination as to the remuneration of the directors, auditors, treasurer, and secretary, the determination as to the amount of money to be borrowed on mortgage, the determination as to the augmentation of capital, and the declaration of dividends, shall be exercised only at a general meeting of the company.

xcv. And with respect to the proceedings and liabilities of the directors,—it is enacted as follows: The directors shall hold meetings at such times as they shall appoint for the purpose, and they may meet and adjourn as they think proper from time to time, and from place to place; and at any time any two of the directors may require the secretary to call a meeting of the directors; and in order to constitute a meeting of directors, there shall be present at the least the prescribed quorum, and when no quorum shall be prescribed there shall be present at least one-third of the directors; and all questions at any such meeting shall be determined by the majority of votes of the directors present, and in case of an equal division of votes the chairman shall have a casting vote, in addition to his vote as one of the directors.

xcvi. At the first meeting of directors held after the passing of the special Act, and at the first meeting of the directors held after each annual appointment of directors, the directors present at such meeting shall choose one of the directors to act as chairman of the directors for the year following such choice, and shall also, if they think fit, choose another director to act as deputy chairman for the same period; and if the chairman or deputy chairman die or resign, or cease to be a director, or otherwise become disqualified to act, the directors present at the meeting next after the occurrence of such vacancy shall choose some other of the directors to fill such vacancy; and every such chairman or deputy chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such death, resignation, removal, or disqualification had not happened.

xcvii. If at any meeting of the directors neither the chairman nor deputy chairman be present the directors present shall choose some one of their number to be chairman of such meeting.

xcviii. It shall be lawful for the directors to appoint one or more committees consisting of such number of directors as they think fit, within the prescribed limits, if any, and they may grant to such committees respectively power on behalf of the

company to do any acts relating to the affairs of the company which the directors could lawfully do, and which they shall from time to time think proper to intrust to them.

XCIX. The said committees may meet from time to time, and may adjourn from place to place, as they think proper, for carrying into effect the purposes of their appointment; and no such committee shall exercise the powers intrusted to them, except at a meeting at which there shall be present the prescribed quorum, or if no quorum be prescribed then a quorum to be fixed for that purpose by the general body of directors; and at all meetings of the committees one of the members present shall be appointed chairman; and all questions at any meeting of the committee shall be determined by a majority of votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote, in addition to his vote as a member of the committee.

c. The power which may be granted to any such committee to make contracts, as well as the power of the directors to make contracts, on behalf of the company, may lawfully be exercised as follows; (that is to say.)

With respect to any contract which if made between private persons, would be by law required to be by deed or by agreement, in writing, and signed by the parties to be charged therewith, then such committee or the directors may make such contract on behalf of the company, in writing, either under the common seal of the company, or signed by such committee, or any two of them, or any two of the directors, and in the same manner may vary or discharge the same:

With respect to any contract which, if made between private persons, would by law be valid, although made by parol only, and not reduced into writing, such committee, or the directors, may make such contract on behalf of the company, by parol only, without writing, and in the same manner may vary or discharge the same:

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the company and their successors, and all other parties thereto, their heirs, executors, or administrators, as the case may be; and on any default in the execution of any such contract, either by the company, or any other party thereto, such actions or suits may be brought, either by or against the company, as might be brought had the same contracts been made between private persons only.

CI. The directors shall cause notes, minutes, or copies, as the case may require, of all appointments made or contracts entered into by the directors, and of the orders and proceedings of all meetings of the company, and of the directors and committees of directors, to be duly entered in books to be from time to time provided for the purpose, which shall be kept under the superintendence of the directors; and every such entry shall be signed by the chairman of such meeting; and such entry, so signed, shall be received as evidence in all courts, and before all Judges, Justices, and others, without proof of such respective meetings having been duly convened or held, or of the persons making or entering such orders or proceedings being shareholders or directors or members of committee respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed, until the contrary be proved.

CII. All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director, shall, notwithstanding it may be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

CIII. No director, by being party to or executing in his capacity of director any contract or other instrument on behalf of the company, or otherwise lawfully executing any of the powers given to the directors, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies or goods or lands of the directors shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as directors; and the directors, their heirs, executors, and administrators, shall be indemnified out of the capital of the company for all payments made or liability incurred in respect of any acts done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them; and the directors for the time being of the company may apply the existing funds and capital of the company for the purposes of such indemnity, and may, if necessary for that purpose, make calls of the capital remaining unpaid, if any.

CIV. And with respect to the appointment and duties of auditors,—it is enacted as follows: Except where by the special Act auditors shall be directed to be appointed otherwise than by the company, the company shall at the first ordinary meeting after the passing of the special Act elect the prescribed number of auditors, and if no number is prescribed two auditors, in like manner as is provided for the election of directors; and at the first ordinary meeting of the company in each year thereafter the company shall in like manner elect an auditor to supply the place of the auditor then retiring from office, according to the provision hereinafter contained; and every auditor elected as hereinbefore provided, being neither removed nor disqualified, nor having resigned, shall continue to be an auditor until another be elected in his stead.

CV. Where no other qualification shall be prescribed by the special Act, every auditor shall have at least one share in the undertaking, and he shall not hold any office in the company, nor be in any other manner interested in its concerns, except as a shareholder.

CVI. One of such auditors (to be determined in the first instance by ballot between themselves, unless they shall otherwise agree, and afterwards by seniority,) shall go out of office at the first ordinary meeting in each year; but the auditor so going out shall be immediately re-eligible, and after any such re-election shall, with respect to the going out of office by rotation, be deemed a new auditor.

CVII. If any vacancy take place among the auditors in the course of the current year, then at any general meeting of the company the vacancy may, if the company think fit, be supplied by election of the shareholders.

CVIII. The provision of this Act respecting the failure of an ordinary meeting at which directors ought to be chosen shall apply, *mutatis mutandis*, to any ordinary meeting at which an auditor ought to be appointed.

CIX. The directors shall deliver to such auditors the half-yearly or other periodical accounts and balance sheet fourteen days at the least before the ensuing ordinary meeting at which the same are required to be produced to the shareholders, as hereinafter provided.

CX. It shall be the duty of such auditors to receive from the directors the half-yearly or other periodical accounts and balance sheet required to be presented to the shareholders, and to examine the same.

CXI. It shall be lawful for the auditors to employ such accountants and other persons as they may think proper, at the expense of the company, and they shall either make a special report on the said accounts, or simply confirm the same; and such report or confirmation shall be read, together with the report of the directors, at the ordinary meeting.

CXII. And with respect to the accountability of the officers of the company,—it is enacted as follows: Before any person intrusted with the custody or controul of monies, whether treasurer, collector, or other officer of the company, shall enter upon his office, the directors shall take sufficient security from him for the faithful execution of his office.

CXIII. Every officer employed by the company shall from time to time, when required by the directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account, in writing under his hand, of all monies received by him on behalf of the company; and such account shall state how, and to whom, and for what purpose, such monies shall have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the directors, or to any person appointed by them to receive the same, all monies which shall appear to be owing by him upon the balance of such accounts.

CXIV. If any such officer fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if, for three days after being thereto required, he fail to deliver up to the directors, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters, and things, in his possession or power, relating to the execution of this or the special Act, or any Act incorporated therewith, or belonging to the company, then, on complaint thereof being made to the sheriff or a Justice, such sheriff or Justice shall summon or order such officer to appear before such sheriff, if the summons or order be issued by a sheriff, or before two or more Justices, if the summons or order be issued by a Justice, at a time and place to be set forth in such summons or order, to answer such charge; and upon the appearance of such officer, or, in his absence, upon proof that such summons or order was personally served upon him, or left at his last known place of abode, such sheriff or Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear, either upon confession of such officer or upon evidence, or upon inspection of the account, that any monies of the company are in the hands of such officer, or owing by him to the company, such sheriff or Justices may order such officer to pay the same; and if he fail to pay the amount it shall be lawful for such sheriff or Justices to grant a warrant to levy the same by pouncing and sale, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding three months.

CXV. If any such officer refuse to produce and deliver to the said sheriff or Justices the several vouchers and receipts relating to his accounts, or to deliver up any books, papers, or writings, property, effects, matters, or things, in his possession or power, belonging to the company, such sheriff or Justices may lawfully commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts, if any, in his possession or power, relating to such accounts, and have delivered up all books, papers, writings, property, effects, matters and things, if any, in his possession or power, belonging to the company.

CXVI. Provided always, That if any director or other person acting on behalf of the company shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the sheriff or Justice before whom the complaint is made, instead of issuing his summons or order, to issue his warrant for the bringing such officer before the sheriff, to answer to the charge, as hereinbefore directed, if the warrant has been issued by the sheriff, or before any Justice if the warrant shall have been issued by a Justice; and it shall be lawful for the Justice before whom such officer may be brought either to discharge such officer, if he thinks there is no sufficient ground for his detention, or to order such officer to be detained in custody, so as to be brought before two Justices at a time and place to be named in such order, unless such officer give surety, to the satisfaction of such Justice, for his appearance before such Justices, to answer the complaint of the company.

CXVII. No such proceeding against or dealing with any such officer as aforesaid shall deprive the company of any remedy which they might otherwise have against such officer, or any surety of such officer.

CXVIII. And with respect to the keeping of accounts, and the right of inspection thereof by the shareholders,—it is enacted as follows: The directors shall cause full and true accounts to be kept of all sums of money received or expended on account of the company by the directors, and all persons employed by or under them, and of the matters and things for which such sums of money shall have been received, or disbursed and paid.

CXIX. The books of the company shall be balanced at the prescribed periods, and if no periods be prescribed, fourteen days at least before each ordinary meeting; and forthwith on the books being so balanced an exact balance sheet shall be made up, which shall exhibit a true statement of the capital stock, credits, and property of every description belonging to the company, and the debts due by the company at the date of making such balance sheet, and a distinct view of the profit or loss which shall have arisen on the transactions of the company in the course of the preceding half-year; and previously to each ordinary meeting such balance sheet shall be examined by the directors, or any three of their number, and shall be signed by the chairman or deputy chairman of the directors.

CXX. The books so balanced, together with such balance sheet as aforesaid, shall for the prescribed periods, and if no periods be prescribed, for fourteen days previous to each ordinary meeting, and for one month thereafter, be open for the inspection of



the shareholders at the principal office or place of business of the company; but the shareholders shall not be entitled at any time, except during the periods aforesaid, to demand the inspection of such books, unless in virtue of a written order signed by three of the directors.

CXXI. That the directors shall produce to the shareholders assembled at such ordinary meeting the said balance sheet as aforesaid, applicable to the period immediately preceding such meeting, together with the report of the auditors thereon, as hereinbefore provided.

CXXII. The directors shall appoint a book-keeper to enter the accounts aforesaid in books to be provided for the purpose; and every such book-keeper shall permit any shareholder to inspect such books, and to take copies or entries therefrom, at any reasonable time during the prescribed periods, and if no periods be prescribed, during one fortnight before and one month after every ordinary meeting; and if he fail to permit any such shareholder to inspect such books, or take copies or extracts therefrom, during the periods aforesaid, he shall forfeit to such shareholder for every such offence a sum not exceeding 5*l*.

CXXIII. And with respect to the making of dividends,—it is enacted as follows: Previously to every ordinary meeting at which a dividend is intended to be declared the directors shall cause a scheme to be prepared, shewing the profits, if any, of the company for the period current since the preceding ordinary meeting at which a dividend was declared, and apportioning the same, or so much thereof as they may consider applicable to the purposes of dividend, among the shareholders, according to the shares held by them respectively, the amount paid thereon, and the periods during which the same may have been paid, and shall exhibit such scheme at such ordinary meeting, and at such meeting a dividend may be declared according to such scheme.

CXXIV. The company shall not make any dividend whereby their capital stock will be in any degree reduced: provided always, that the word "Dividend" shall not be construed to apply to a return of any portion of the capital stock, with the consent of all the mortgagees and bond creditors of the company, due notice being given for that purpose at an extraordinary meeting to be convened for that object.

CXXV. Before apportioning the profits to be divided among the shareholders the directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing, or improving the works connected with the undertaking, or any part thereof, and may divide the balance only among the shareholders.

CXXVI. No dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

CXXVII. And with respect to the making of bye-laws,—it is enacted as follows: It shall be lawful for the company from time to time to make such bye-laws as they think fit, for the purpose of regulating the conduct of the officers and servants of the company, and for providing for the due management of the affairs of the company in all respects whatsoever, and from time to time to alter or repeal any such bye-laws, and make others, provided such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the company, and a copy of such bye-laws shall be given to every officer and servant of the company affected thereby.

CXXVIII. It shall be lawful for the company by such bye-laws to impose such reasonable penalties upon all persons, being officers or servants of the company, offending against such bye-laws, as the company think fit, not exceeding 5*l*. for any one offence.

CXXIX. All the bye-laws to be made by the company shall be so framed as to allow the sheriff or Justices before whom any penalty imposed thereby may be sought to be recovered to order a part only of such penalty to be paid, if such sheriff shall think fit.

CXXX. The production of a written or printed copy of the bye-laws of the company, having the common seal of the company affixed thereto, shall be sufficient evidence of such bye-laws in all cases of prosecution under the same.

CXXXI. And with respect to the settlement of disputes by arbitration,—it is enacted as follows: When any dispute directed by this or the special Act, or any Act incorporated therewith, to be settled by arbitration, shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall by writing under his hand nominate and appoint an arbitrator to whom such dispute shall be referred; and after any such appointment shall have been made neither party shall have power to revoke the same, without the consent of the other, nor shall the death of either party operate as such revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing shall have been served by the one party on the other party to appoint an arbitrator such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties; and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

CXXXII. If, before the matters so referred shall be determined, any arbitrator appointed by either party die, or become incapable or refuse or for seven days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so the remaining or other arbitrator may proceed *ex parte*; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, or disability as aforesaid.

CXXXIII. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters so referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters or

which they shall differ; and if such umpire shall die, or refuse or for seven days neglect to act, they shall forthwith after such death, refusal, or neglect appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final.

CCXIV. If in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration neglect to appoint an umpire, it shall be lawful for the lord ordinary, on the application of either party to such arbitration, to appoint an umpire; and the decision of such umpire on the matters on which the arbitrators shall differ shall be final.

CCXV. The said arbitrators, or their umpire, may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose, and may also grant diligence for the recovery of such documents as either party may require, or for citing witnesses; and on application to the lord ordinary, letters of supplement, or such other writ as may be necessary, shall be issued by the lord ordinary, in support of such diligence.

CCXVI. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the costs of and attending every such arbitration to be determined by the arbitrators shall be in the discretion of the arbitrators or the umpire as the case may be.

CCXVII. And with respect to the giving of notices,—it is enacted as follows: Any summons or notice, or any writ, or other proceeding, at law or in equity, requiring to be served upon the company, may be served by the same being left at or transmitted through the post directed to the principal office of the company, or one of their principal offices where there shall be more than one, or being given personally to the secretary, or in case there be no secretary then by being given to any one director of the company.

CCXVIII. Notices requiring to be served by the company upon the shareholders may, unless expressly required to be served personally, be served by the same being transmitted through the post directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the giving of such notice; and in proving such service it shall be sufficient to prove that such notice was properly directed, and that it was so put into the post-office.

CCXIX. All notices directed to be given to the shareholders shall, with respect to any share to which persons are jointly entitled, be given to whichever of the said persons shall be named first in the register of shareholders; and notice so given shall be sufficient notice to all the proprietors of such share.

CC. All notices required by this or the special Act, or any Act incorporated therewith, to be given by advertisement, shall be advertised in the prescribed newspaper, or if no newspaper be prescribed, or if the prescribed newspaper cease to be published, in a newspaper circulating in the district within which the company's principal place of business shall be situated.

CCII. Every summons, demand, or notice, or other such document requiring authentication by the company, may be signed by two directors, or by the treasurer or the secretary of the company, and need not be under the common seal of the company, and the same may be in writing or in print, or partly in writing and partly in print.

CCIII. That if any person against whom the company shall have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, it shall be lawful for the secretary or treasurer of the company, in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration, or act of insolvency against such bankrupt or insolvent, to represent the company, and act in their behalf, in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer, and not of the company.

CCIV. That if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made it shall be lawful for the defender, by leave of the Court where such action shall be pending, at any time before the record is closed, to pay into court such sum of money as he shall think fit; and thereupon such proceedings shall be had as in other cases where defenders are allowed to pay money into court.

CCV. And with respect to the recovery of damages not specially provided for,—it is enacted as follows: In all cases where any damages, costs, or expenses are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by the sheriff; and if the amount so ascertained be not paid by the company or other party liable to pay the same within seven days after demand, the amount may be recovered by poinding and sale of the goods of the company or other party liable as aforesaid; and the sheriff shall, on application, issue his warrant accordingly.

CCVI. If sufficient goods of the company cannot be found whereon to levy any such damages, costs, or expenses, payable by the company, the same may, if the amount thereof do not exceed 20*l.*, be recovered by poinding and sale of the goods of the treasurer of the company; and the sheriff, on application, shall issue his warrant accordingly; but no such poinding and sale shall be executed against the goods of such treasurer unless seven days previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and if such treasurer pay any money under such distress or poinding and sale as aforesaid, he may retain the amount so paid by him, and all costs and expenses occasioned thereby, out of any money belonging to the company coming into his custody or controul, or he may sue the company for the same.

CCVII. Where, in this or the special Act, or any Act incorporated therewith, any question of expenses, charges, or damages is referred to the determination of any sheriff or Justices, it shall be lawful for the sheriff or any Justice, upon the application

of either party, to summon the other party to appear before such sheriff, or before two Justices, as the case may require, at a time and place to be named in such summons; and upon the appearance of such parties, or, in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such sheriff, or such two Justices, as the case may be, to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, on oath; and the costs of every such inquiry shall be in the discretion of such sheriff or Justices, and he or they shall determine the amount thereof.

CLXVII. The company shall publish the short particulars of the several offences for which any penalty is imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law of the company affecting other persons than the shareholders, officers, or servants of the company, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the company, and where any such penalties are of local application shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner hereinbefore required.

CLXVIII. If any person pull down or injure any board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the purpose of publishing any bye-law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding 5*l.*, and shall defray the expenses attending the restoration of such board.

CLXIX. Every penalty or forfeiture imposed by this or the special Act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before the sheriff or two Justices; and on complaint being made to any sheriff or Justice he shall issue an order requiring the party complained against to appear before himself, if the order be issued by a sheriff, or before two or more Justices, if the order be issued by a Justice, at a time and place to be named in such order; and every such order shall be served on the party offending, either in person or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such order, it shall be lawful for any sheriff or two Justices to proceed to the hearing of the complaint; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such sheriff or Justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction, as such sheriff or Justices shall think fit.

CL. If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by pointing and sale; and such sheriff or Justices, or either of them, shall issue his or their warrant of pointing and sale accordingly.

CLI. It shall be lawful for any such sheriff or Justices to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of pointing and sale to be issued for levying such penalty or forfeiture, and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the sheriff or Justices, for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing such warrant of pointing and sale it shall appear to the sheriff or Justices, by the admission of the offender or otherwise, that no sufficient pointing and sale can be had within the jurisdiction of such sheriff or Justices whereon to levy such penalty or forfeiture, and costs, he or they may, if he or they think fit, refrain from issuing such warrant; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the sheriff or Justices, then such sheriff or Justices shall, by warrant, cause such offender to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such penalty or forfeiture, and costs, be sooner paid and satisfied.

CLII. Where in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by pointing and sale, such sum of money shall be levied by pointing and sale of the goods and effects of the party liable to pay the same, and the overplus arising from the sale of such goods and effects after satisfying such sum of money and the expenses of the pointing and sale, shall be returned, on demand, to the party whose goods shall have been seized.

CLIII. No pointing and sale made by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser or wrongdoer, on account of any defect or want of force in the summons, conviction, warrant, or other proceeding relating thereto; but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action before the sheriff court.

CLIV. The sheriff or Justices by whom any such penalty or forfeiture shall be imposed, where the application thereof is not otherwise provided for, may award not more than one-half thereof to the informer, and shall award the remainder to the parish of the parish in which the offence shall have been committed, for the benefit of the poor of such parish.

CLV. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before the sheriff or Justices, unless the complaint respecting such offence shall have been made before such sheriff or some Justice within six months next after the commission of such offence.

CLVI. If, through any act, neglect, or default on account whereof any person shall have incurred any penalty imposed by this or the special Act, or any Act incorporated therewith, any damage to the property of the company shall have been com-

mitted by such person, he shall be liable to make good such damage, as well as to pay such penalty; and the amount of such damages shall, in case of dispute, be determined by the sheriff or Justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages, on demand, the same shall be levied by pouding and sale, and such sheriff or Justices shall issue his or their warrant accordingly.

CLVII. It shall be lawful for any sheriff or Justice to summon any person to appear before him as a witness in any matter in which such sheriff or Justice, or two or more Justices, shall have jurisdiction, under the provisions of this or the special Act, or any Act incorporated therewith, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath or to give evidence before such sheriff or Justice, or Justices, every such person shall forfeit a sum not exceeding 5*l*. for every such offence.

CLVIII. It shall be lawful for any officer or agent of the company, and all persons called by him to his assistance, to seize and detain any person who shall be found committing any offence against the provisions of this or the special Act, or any Act incorporated therewith, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before the sheriff or a Justice, without any warrant or other authority than this or the special Act; and such sheriff or Justice shall proceed with all convenient despatch in the matter of the complaint against such offender.

CLIX. Any sheriff to whom any application is authorized to be made, and before whom any judicial proceedings shall in consequence take place or become necessary, under or by virtue of this or the special Act, or any Act incorporated therewith, shall and he is hereby authorized and required summarily to call before him all parties who appear to him to be interested therein, and to proceed forthwith to hear *viâ voce*, and pronounce judgment regarding the matters mentioned in such application or proceeding, or to do the several matters and things required by this Act to be done by him, without waiting the ordinary course of the roll of causes before him, and without written pleadings, or a written record, or reducing any evidence which may be led by either of the parties to writing, unless and except where the said sheriff shall consider that the matters mentioned in such application or proceedings can with more advantage be decided with written pleadings and with a written record, in which case he shall proceed to make up a record, and bring the said matters to a conclusion with all convenient despatch; and the orders and judgments of the said sheriff, when pronounced without a record, shall be final and conclusive, and not subject to review by suspension or advocacy, or to reduction, on any ground whatever.

CLX. The sheriff or Justice, or Justices, before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the Schedule (G.) to this Act annexed.

CLXI. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by suspension or otherwise into any superior court.

CLXII. In all cases which may come before any sheriff substitute under this or the special Act, or any Act incorporated therewith, in which written pleadings shall have been allowed, and a written record shall have been made up, and where the evidence which has been led by the parties shall have been reduced to writing, but in no other case whatever, it shall be competent for any of the parties thereto, within seven days after a final judgment shall have been pronounced by such sheriff substitute, to appeal against the same to the sheriff of the county, by lodging a minute of appeal with the sheriff clerk of such county, or his deputy; and the said sheriff shall thereupon review the proceedings of the said sheriff substitute, and whole process, and, if he think proper, hear the parties *viâ voce* thereon, and pronounce judgment; and such judgment shall in no case be subject to review by suspension or advocacy, or to reduction, on any ground whatever.

CLXIII. If any party shall feel aggrieved by any determination or adjudication of any Justice, or two or more Justices, with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the General Quarter Sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognisances, with two sufficient sureties, before a Justice, conditioned duly to prosecute such appeal, and to abide the order of the Court thereon.

CLXIV. At the Quarter Sessions for which such notice shall be given the Court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

CLXV. And with respect to the provision to be made for affording access to the special Act by all parties interested,—it is enacted as follows: The company shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a copy of the special Act printed by the printers to Her Majesty, or some of them; and where the undertaking shall be a railway, canal, or other like undertaking, the works of which shall not be confined to one town or place, shall also within the space of such six months deposit in the office of each of the clerks of the peace of the several counties into which the works shall extend, and in the office of the town clerk of every burgh or city into which, or within one mile of which, the works shall extend, a copy of such special Act, so printed as aforesaid; and the said clerks of the peace and town clerks shall receive, and they and the company respectively shall retain, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act, 7 Will. 4. & 1 Vict. c. 83,

intituled 'An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

CLXVI. If the company shall fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the special Act, they shall forfeit 20*l.* for every such offence, and also 5*l.* for every day afterwards during which such copy shall be not so kept or deposited.

CLXVII. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

### SCHEDULES referred to by the foregoing Act.

#### SCHEDULE (A.)

##### *Form of Certificate of Share.*

"The \_\_\_\_\_ Company."

Number \_\_\_\_\_

THIS is to certify, That A.B. of \_\_\_\_\_ is the Proprietor of the Share Number \_\_\_\_\_ of "The \_\_\_\_\_ Company," subject to the Regulations of the said Company. Given under the Common Seal of the said Company, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

#### SCHEDULE (B.)

##### *Form of Transfer of Shares or Stock.*

I \_\_\_\_\_ of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ paid to me by \_\_\_\_\_ in the of \_\_\_\_\_ do hereby transfer to the said \_\_\_\_\_ Share [or Shares] numbered \_\_\_\_\_ in the Undertaking called "The \_\_\_\_\_ Company" [or \_\_\_\_\_ Pounds Consolidated Stock in the Undertaking called "The \_\_\_\_\_ Company," standing (or Part of the Stock standing) in my Name in the Books of the Company], to hold unto the said \_\_\_\_\_ his Executors, Administrators, and Assigns [or Successors and Assigns], subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said \_\_\_\_\_ do hereby agree to take the said Share [or Shares] [or Stock], subject to the same conditions. [Here insert Testing Clause according to the Form of the Law of Scotland, if executed in Scotland, and if executed in England, the Form of Attestation usual in England.]

#### SCHEDULE (C.)

##### *Form of Mortgage Deed.*

"The \_\_\_\_\_ Company."

Mortgage, Number \_\_\_\_\_

By virtue of [here name the special Act], we, "The \_\_\_\_\_ Company," in consideration of the Sum of \_\_\_\_\_ Pounds paid to us by A.B. of \_\_\_\_\_ do assign unto the said A.B., his Executors, Administrators, and Assignees, the said Undertaking [and (in case such Loan shall be in anticipation of the Capital authorized to be raised) all future Calls on Shareholders], and all the Tolls and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said A.B., his Executors, Administrators, and Assigns, until the said Sum of \_\_\_\_\_ Pounds, together with Interest for the same at the Rate of \_\_\_\_\_ for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of \_\_\_\_\_ Years from the Date hereof (in case any Period be agreed upon for that Purpose), at or any Place of Payment other than the principal Office of the Company]. In witness whereof, &c. [Here insert the Testing Clause of Deeds executed in Scotland.]

#### SCHEDULE (D.)

##### *Form of Bond.*

"The \_\_\_\_\_ Company."

Bond, Number \_\_\_\_\_

By virtue of [here name the special Act], we "The \_\_\_\_\_ Company," in consideration of the Sum of \_\_\_\_\_ do bind ourselves and our Successors unto the said A.B., his Executors, Administrators, and Assigns, in the Sum of \_\_\_\_\_ Pounds, to be repaid to the said A.B., his Executors, Administrators, or Assigns, at \_\_\_\_\_ (in case any other Place of Payment than the principal Office of the Company be intended) on the \_\_\_\_\_ Day of \_\_\_\_\_ which will be in the Year One thousand eight hundred and \_\_\_\_\_, with a Fifth Part more of liquidate Penalty in case of Failure, together with Interest for the same at the Rate of \_\_\_\_\_ Pounds per Centum per Annum, payable half-yearly on the \_\_\_\_\_ Day of \_\_\_\_\_ and \_\_\_\_\_ : In witness whereof, &c. [Here insert the Testing Clause of Deeds executed in Scotland.]

## SCHEDULE (E.)

*Form of Transfer of Mortgage or Bond.*

I *A.B.* of \_\_\_\_\_ in Consideration of the Sum of \_\_\_\_\_ paid to me by *G.H.* of \_\_\_\_\_ do hereby transfer to the said *G.H.*, his Executors, Administrators, and Assigns, a certain Bond [*or Mortgage*] Number \_\_\_\_\_ made by "The \_\_\_\_\_ Company" to \_\_\_\_\_ bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ for securing the Sum of \_\_\_\_\_ and Interest [*or, if such Transfer be by Indorsement, the within Security,*] and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage, and in and to the Tolls, Money, and Property thereby assigned.*] [*Here insert Scotch Testing Clause, if executed in Scotland, and if executed in England, the Form of Attestation usual in England.*]

## SCHEDULE (F.)

*Form of Proxy.*

*A.B.* One of the Proprietors of "The \_\_\_\_\_ Company" doth hereby appoint *C.D.* of \_\_\_\_\_ to be the Proxy of the said *A.B.*, in his Absence to vote in his Name upon any Matter relating to the Undertaking proposed at the Meeting of the Proprietors of the said Company to be held on the \_\_\_\_\_ Day of \_\_\_\_\_ next, in such Manner as he the said *C.D.* doth think proper. In witness whereof the said *A.B.* hath hereunto set his Hand [*or, if a Corporation, say the Common Seal of the Corporation*], the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

## SCHEDULE (G.)

*Form of Conviction before*

to wit.  
Be it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ *A.B.* is convicted before me *C.*, the Sheriff or before us *D., E.*, Two of Her Majesty's Justices of the Peace for the County of \_\_\_\_\_ [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here name the special Act*]. Given under my Hand [*or under our Hands*], the Day and Year first above written.

*C.*  
*D.*  
*E.*

## CAP. XVIII.

AN ACT for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature.

(8th May 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. Act to apply to all undertakings authorized by Acts hereafter to be passed.
2. Interpretations in this Act: "special Act;" "prescribed;" "the works;" "promoters of the undertaking."
3. Interpretations in this and the special Act: number; gender; "lands;" "lease;" "month;" "superior courts;" "oath;" "county;" "the sheriff;" "the clerk of the peace;" "Justices;" "two Justices;" "owner;" "the Bank."
4. Short title of the Act.
5. Form in which portions of this Act may be incorporated with other Acts.
6. Power to purchase lands by agreement.
7. Parties under disability enabled to sell and convey.
8. Parties under disability to exercise other powers.
9. Amount of compensation in case of parties under disability to be ascertained by valuation, and paid into the Bank.
10. Where vendor absolutely entitled, lands may be sold on chief rents.
11. Payment of rents to be charged on tolls.

Purchase of Lands by  
Agreement.

*Purchase of Lands by Agreement.*

12. Power to purchase lands required for additional accommodation.
13. Authority to sell and re-purchase such lands.
14. Restraint on purchase from incapacitated persons.
15. Municipal corporations not to sell without the approbation of the Treasury.
16. Capital to be subscribed before compulsory powers of purchase put in force.
17. A certificate of two Justices to be evidence that the capital has been subscribed.
18. Notice of intention to take lands.
19. Service of notices on owners and occupiers of lands.
20. Service of notice on a corporation aggregate.
21. If parties fail to treat, or in case of dispute, question to be settled as after mentioned.
22. Disputes as to compensation where the amount claimed does not exceed 50*l.* to be settled by two Justices.
23. Compensation exceeding 50*l.* to be settled by arbitration or jury, at the option of the party claiming compensation.
24. Method of proceeding for settling disputes as to compensation by Justices.
25. Appointment of arbitrator when questions are to be determined by arbitration.
26. Vacancy of arbitrator to be supplied.
27. Appointment of umpire.
28. Board of Trade empowered to appoint an umpire on neglect of the arbitrators, in case of railway companies.
29. In case of death of single arbitrator, the matter to begin de novo.
30. If either arbitrator refuse to act the other to proceed ex parte.
31. If arbitrators fail to make their award within twenty-one days the matter to go to the umpire.
32. Power of arbitrators to call for books, &c.
33. Arbitrator or umpire to make a declaration.
34. Costs of arbitration how to be borne.
35. Award to be delivered to the promoters of the undertaking.
36. Submission may be made a rule of court.
37. Award not void through error in form.
38. Promoters of the undertaking to give notice before summoning a jury.
39. Warrant for summoning jury to be addressed to the sheriff.
40. Provisions applicable to sheriff to apply to coroner.

*Purchase of Lands otherwise than by Agreement.*

41. Jury to be summoned.
42. Jury to be impanelled.
43. Sheriff to preside; witnesses to be summoned.
44. Penalty on sheriff and jury for default.
45. Penalty on witnesses making default.
46. Notice of inquiry.
47. If the party makes default the inquiry not to proceed.
48. Jury to be sworn.
49. Sums to be paid for purchase of lands and for damage to be assessed separately.
50. Verdict and judgment to be recorded.
51. Costs of the inquiry how to be borne.
52. Particulars of the costs.
53. Payment of costs.
54. Special jury to be summoned at the request of either party.
55. Deficiency of special jurymen.
56. Other inquiries before same special jury by consent.
57. Jurymen not to attend more than once a year.
58. Compensation to absent parties to be determined by a surveyor appointed by two Justices.
59. Two Justices to nominate a surveyor.
60. Declaration to be made by the surveyor.
61. Valuation, &c. to be produced to the owner of the lands on demand.
62. Expenses to be borne by promoters.
63. Purchase money and compensation, how to be estimated.
64. Where compensation to absent party has been determined by a surveyor, the party may have the same submitted to arbitration.
65. Question to be submitted to the arbitrators.
66. If further sum awarded, promoters to pay or deposit same within fourteen days.
67. Costs of the arbitration.
68. To be settled by arbitration or jury, at the option of the party claiming compensation.
69. Purchase money payable to parties under disability amounting to 200*l.* to be deposited in the Bank.—  
*Application of monies deposited.*
70. Order for application and investment meanwhile.
71. Sums from 20*l.* to 200*l.* to be deposited or paid to trustees.
72. Sums not exceeding 20*l.* to be paid to parties.
73. All sums payable under contract with persons not absolutely entitled, to be paid into Bank.
74. Court of Chancery may direct application of money in respect of leases or reversions as they may think just.

*Application of Compensation.*

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| Application of Compensation.       | 75. Upon deposit being made, the owners of the lands to convey, or in default, the lands to vest in the promoters of the undertaking upon a deed poll being executed. |
|                                    | 76. Where parties refuse to convey, or do not shew title, or cannot be found, the purchase money to be deposited.   |
|                                    | 77. Upon deposit being made a receipt to be given, and the lands to vest upon a deed poll being executed.   |
|                                    | 78. Application of monies so deposited.   |
| Conveyances.                       | 79. Party in possession to be deemed the owner.   |
|                                    | 80. Costs in cases of money deposited.  |
|                                    | 81. Form of conveyances.  |
|                                    | 82. Costs of conveyances.   |
| Entry on Lands.                    | 83. Taxation of costs of conveyances.   |
|                                    | 84. Payment of price to be made previous to entry, except to survey, &c.  |
|                                    | 85. Promoters to be allowed to enter on lands before purchase, on making deposit by way of security and giving bond.  |
|                                    | 86. Upon deposit being made cashier to give receipt.  |
| Intersected Lands.                 | 87. Deposit to remain as a security, and to be applied under the direction of the Court.  |
|                                    | 88. The company may pay the deposit money into the Bank by way of security during the time that the office of the accountant general is closed.                       |
|                                    | 89. Penalty on the promoters of the undertaking entering upon lands without consent before payment of the purchase money.   |
|                                    | 90. Decision of Justices not conclusive as to the right of the promoters.   |
| Copyholds.                         | 91. Proceedings in case of refusal to deliver possession of lands.  |
|                                    | 92. Parties not to be required to sell part of a house.   |
|                                    | 93. Owners of intersected lands may insist on sale.   |
|                                    | 94. Promoters of the undertaking may insist on purchase where expense of bridges, &c. exceeds the value.  |
| Common Lands.                      | 95. Conveyance of copyhold lands to be enrolled.  |
|                                    | 96. Copyhold lands to be enfranchised.  |
|                                    | 97. Lord of the manor to enfranchise on payment of compensation.  |
|                                    | 98. Apportionment of copyhold rents.  |
| Lands in Mortgage.                 | 99. Compensation for common lands where held of a manor, &c. how to be paid.  |
|                                    | 100. Lord of the manor, &c. to convey to the promoters of the undertaking, on receiving compensation for his interest.  |
|                                    | 101. Compensation for common lands where not held of a manor how to be ascertained.   |
|                                    | 102. A meeting of the parties interested to be convened.  |
| Rent-charges.                      | 103. Meeting to appoint a committee.  |
|                                    | 104. Committee to agree with the promoters of the undertaking.  |
|                                    | 105. Disputes to be settled as in other cases.  |
|                                    | 106. If no committee be appointed, the amount to be determined by a surveyor.   |
| Leases.                            | 107. Upon payment of compensation payable to commoners the lands to vest.   |
|                                    | 108. Power to redeem mortgages.   |
|                                    | 109. Deposit of mortgage money on refusal to accept.  |
|                                    | 110. Sum to be paid when mortgage exceeds the value of the lands.   |
| Interests omitted to be purchased. | 111. Deposit of money when refused on tender.   |
|                                    | 112. Sum to be paid where part only of mortgaged lands taken.   |
|                                    | 113. Deposit of money when refused on tender.   |
|                                    | 114. Compensation to be made in certain cases if mortgage paid off before the stipulated time.  |
| Sales of superfluous Lands.        | 115. Release of lands from rent-charges.  |
|                                    | 116. Release of part of lands from charge.  |
|                                    | 117. Deposit in case of refusal to release.   |
|                                    | 118. Charge to continue on lands not taken.   |
|                                    | 119. Where part only of lands under lease taken, the rent to be apportioned.  |
|                                    | 120. Tenants to be compensated.   |
|                                    | 121. Compensation to be made to tenants at will, &c.  |
|                                    | 122. Where greater interest claimed than from year to year, lease to be produced.   |
|                                    | 123. Limit of time for compulsory purchase.   |
|                                    | 124. Promoters of the undertaking empowered to purchase interests in lands the purchase whereof may have been omitted by mistake.                                     |
|                                    | 125. How value of such lands to be estimated.   |
|                                    | 126. Promoters of the undertaking to pay the costs of litigation as to such lands.  |
|                                    | 127. Lands not wanted to be sold, or in default to vest in owners of adjoining lands.   |
|                                    | 128. Lands to be offered to owner of lands from which they were originally taken, or to adjoining owners.   |
|                                    | 129. Right of pre-emption to be claimed within six weeks.   |
|                                    | 130. Differences as to price to be settled by arbitration.  |
|                                    | 131. Lands to be conveyed to the purchasers.  |
|                                    | 132. Effect of the word "grant" in conveyances.   |
|                                    | 133. Land tax and poor's rate to be made good.  |
|                                    | 134. Service of notices upon company.   |
|                                    | 135. Tender of amends.  |



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| Recovery of Penalties. | { | 136. Penalties to be summarily recovered before two Justices.  |
|                        |   | 137. Penalties to be levied by distress.   |
|                        |   | 138. Distress how to be levied.  |
|                        |   | 139. Application of penalties.   |
|                        |   | 140. Distress against the treasurer.   |
|                        |   | 141. Distress not unlawful for want of form.   |
|                        |   | 142. Penalties to be sued for within six months.   |
|                        |   | 143. Penalty on witnesses making default.  |
|                        |   | 144. Form of conviction.   |
|                        |   | 145. Proceedings not to be quashed for want of form.   |
| Access to special Act. | { | 146. Parties allowed to appeal to Quarter Sessions on giving security.                               |
|                        |   | 147. Court to make such order as they think reasonable.  |
|                        |   | 148. Receiver of the metropolitan police district to receive penalties incurred within his district. |
|                        |   | 149. Persons giving false evidence liable to penalties of perjury.                                   |
|                        |   | 150. Copies of special Act to be kept and deposited, and allowed to be inspected.                    |
|                        |   | 151. Penalty on company failing to keep or deposit.  |
|                        |   | 152. Act not to extend to Scotland.  |
|                        |   | 153. Act may be amended this session.  |

By this Act,

After reciting that it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament relative to the acquisition of lands required for undertakings or works of a public nature, and to the compensation to be made for the same, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for insuring greater uniformity in the provisions themselves:—

It is Enacted,

I. That this Act shall apply to every undertaking authorized by any Act which shall hereafter be passed, and which shall authorize the purchase or taking of lands for such undertaking, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith, as forming one Act.

II. And with respect to the construction of this Act and of Acts to be incorporated therewith,—it is enacted as follows:—The expression “the special Act,” used in this Act, shall be construed to mean any Act which shall be hereafter passed which shall authorize the taking of lands for the undertaking to which the same relates, and with which this Act shall be so incorporated as aforesaid; and the word “prescribed,” used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word shall occur shall be construed as if, instead of the word “prescribed,” the expression “prescribed for that purpose in the special Act” had been used; and the expression “the works” or “the undertaking” shall mean the works or undertaking, of whatever nature, which shall by the special Act be authorized to be executed; and the expression “the promoters of the undertaking” shall mean the parties, whether company, undertakers, commissioners, trustees, corporations, or private persons, by the special Act empowered to execute such works or undertaking.

III. The following words and expressions, both in this and the special Act, shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction; (that is to say,)

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The word “Lands” shall extend to messuages, lands, tenements, and hereditaments of any tenure:

The word “Lease” shall include an agreement for a lease:

The word “Month” shall mean calendar month:

The expression “Superior Courts” shall mean Her Majesty’s superior courts of record at Westminster or Dublin, as the case may require:

The word “Oath” shall include affirmation in the case of Quakers, or other declaration lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath:

The word “County” shall include any riding or other like division of a county, and shall also include county of a city or county of a town:

The word “Sheriff” shall include under-sheriff, or other legally competent deputy; and where any matter in relation to lands is required to be done by any sheriff, or by any clerk of the peace, the expression “the Sheriff” or the expression “the Clerk of the Peace,” shall in such case be construed to mean the sheriff or the clerk of the peace of the county, city, borough, liberty, cinque port, or place where such lands shall be situate; and if the lands in question, being the property of one and the same party, be situate not wholly in one county, city, borough, liberty, cinque port, or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any county, city, borough, liberty, cinque port, or place where any part of such lands shall be situate:

The word “Justices” shall mean Justices of the Peace acting for the county, city, liberty, cinque port, or place where the matter requiring the cognizance of any such Justice shall arise, and who shall not be interested in the matter; and where such matter shall arise in respect of lands being the property of one and the same party, situate not wholly in any one county, city, borough, liberty, cinque port, or place, the same shall mean a Justice acting for the county, city, borough, liberty,

cinque port, or place where any part of such lands shall be situate, and who shall not be interested in such matter; and where any matter shall be authorized or required to be done by two Justices, the expression "Two Justices" shall be understood to mean two Justices assembled and acting together:

Where under the provisions of this or the special Act, or any Act incorporated therewith, any notice shall be required to be given to the owner of any lands, or where any act shall be authorized or required to be done with the consent of any such owner, the word "Owner" shall be understood to mean any person or corporation who, under the provisions of this or the special Act, would be enabled to sell and convey lands to the promoters of the undertaking:

The expression "the Bank" shall mean the Bank of England where the same shall relate to monies to be paid or deposited in respect of lands situate in England, and shall mean the Bank of Ireland where the same shall relate to monies to be paid or deposited in respect of lands situate in Ireland.

IV. That in citing this Act in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression "The Lands Clauses Consolidation Act, 1845."

And after reciting that it may be convenient in some cases to incorporate with Acts of Parliament hereafter to be passed some portion only of the provisions of this Act:—

It is Enacted,

v. That for the purpose of making any such incorporation, it shall be sufficient in any such Act to enact that the clauses of this Act with respect to the matter so proposed to be incorporated (describing such matter as it is described in this Act in the words introductory to the enactment with respect to such matter,) shall be incorporated with such Act, and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

vi. And with respect to the purchase of lands by agreement,—it is enacted as follows: Subject to the provisions of this and the special Act it shall be lawful for the promoters of the undertaking to agree with the owners of any lands by the special Act authorized to be taken, and which shall be required for the purposes of such Act, and with all parties having any estate or interest in such lands, or by this or the special Act enabled to sell and convey the same, for the absolute purchase, for a consideration in money, of any such lands, or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kind soever.

vii. It shall be lawful for all parties, being seised, possessed of, or entitled to any such lands, or any estate or interest therein, to sell and convey or release the same to the promoters of the undertaking, and to enter into all necessary agreements for that purpose; and particularly it shall be lawful for all or any of the following parties so seised, possessed, or entitled as aforesaid to sell, convey, or release; (that is to say,) all corporations, tenants in tail or for life, married women seised in their own right or entitled to dower, guardians, committees of lunatics and idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession or subject to any estate in dower, or to any lease for life, or for lives and years, or for years, or any less interest; and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties, other than married women entitled to dower, or lessees for life, or for lives and years, or for years, or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy after them, or in defeasance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians, on behalf of their wards, and as to such committees, on behalf of the lunatics and idiots of whom they are the committees, respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively could have exercised the same power under the authority of this or the special Act if they had respectively been under no disability, and as to such trustees, executors, and administrators, on behalf of their cestuique trusts, whether infants, issue unborn, lunatics, femmes covert, or other persons, and that to the same extent as such cestuique trusts respectively could have exercised the same powers under the authority of this and the special Act if they had respectively been under no disability.

viii. The power hereinafter given to enfranchise copyhold lands, as well as every other power required to be exercised by the lord of any manor pursuant to the provisions of this or the special Act, or any Act incorporated therewith, and the power to release lands from any rent, charge, or incumbrance, and to agree for the apportionment of any such rent, charge, or incumbrance, shall extend to and may lawfully be exercised by every party hereinbefore enabled to sell and convey or release lands to the promoters of the undertaking.

ix. The purchase money or compensation to be paid for any lands to be purchased or taken from any party under any disability or incapacity, and not having power to sell or convey such lands except under the provisions of this or the special Act, and the compensation to be paid for any permanent damage or injury to any such lands, shall not, except where the same shall have been determined by the verdict of a jury, or by arbitration, or by the valuation of a surveyor appointed by two Justices under the provision hereinafter contained, be less than shall be determined by the valuation of two able practical surveyors, one of whom shall be nominated by the promoters of the undertaking, and the other by the other party, and if such two surveyors cannot agree in the valuation, then by such third surveyor as any two Justices shall upon application of either party, after notice to the other party, for that purpose nominate; and each of such two surveyors, if they agree, or if not then the surveyor nominated by the said Justices, shall annex to the valuation a declaration in writing, subscribed by them or him, of the correctness thereof; and all such purchase money or compensation shall be deposited in the Bank for the benefit of the parties interested, in manner hereinafter mentioned.

x. It shall be lawful for any person seised in fee of, or entitled to dispose of absolutely for his own benefit, any lands authorized to be purchased for the purposes of the special Act to sell and convey such lands or any part thereof unto the promoters

of the undertaking, in consideration of an annual rent charge payable by the promoters of the undertaking, but, except as aforesaid, the consideration to be paid for the purchase of any such lands, or for any damage done thereto, shall be in a gross sum.

XI. The yearly rents reserved by any such conveyance shall be charged on the tolls or rates, if any, payable under the special Act, and shall be otherwise secured in such manner as shall be agreed between the parties, and shall be paid by the promoters of the undertaking as such rents become payable; and if at any time any such rents be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such rent shall be payable may either recover the same from the promoters of the undertaking, with costs of suit, by action of debt in any of the superior courts, or it shall be lawful for him to levy the same by distress of the goods and chattels of the promoters of the undertaking.

XII. In case the promoters of the undertaking shall be empowered by the special Act to purchase lands for extraordinary purposes, it shall be lawful for all parties who, under the provisions hereinbefore contained, would be enabled to sell and convey lands, to sell and convey the lands so authorized to be purchased for extraordinary purposes.

XIII. It shall be lawful for the promoters of the undertaking to sell the lands which they shall have so acquired for extraordinary purposes, or any part thereof, in such manner, and for such considerations, and to such persons, as the promoters of the undertaking may think fit, and again to purchase other lands for the like purposes, and afterwards sell the same, and so from time to time; but the total quantity of land to be held at any one time by the promoters of the undertaking, for the purposes aforesaid, shall not exceed the prescribed quantity.

XIV. The promoters of the undertaking shall not, by virtue of the power to purchase land for extraordinary purposes, purchase more than the prescribed quantity from any party under legal disability, or who would not be able to sell and convey such lands except under the powers of this and the special Act; and if the promoters of the undertaking purchase the said quantity of land from any party under such legal disability, and afterwards sell the whole or any part of the land so purchased, it shall not be lawful for any party being under legal disability to sell to the promoters of the undertaking any other lands in lieu of the land so sold or disposed of by them.

XV. Nothing in this or the special Act contained shall enable any municipal corporation to sell for the purposes of the special Act, without the approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three of them, any lands which they could not have sold without such approbation before the passing of the special Act, other than such lands as the company are by the powers of this or the special Act empowered to purchase or take compulsorily.

XVI. And with respect to the purchase and taking of lands otherwise than by agreement,—it is enacted as follows: Where the undertaking is intended to be carried into effect by means of a capital to be subscribed by the promoters of the undertaking, the whole of the capital or estimated sum for defraying the expenses of the undertaking shall be subscribed under contract binding the parties thereto, their heirs, executors, and administrators, for the payment of the several sums by them respectively subscribed, before it shall be lawful to put in force any of the powers of this or the special Act, or any Act incorporated therewith, in relation to the compulsory taking of land for the purposes of the undertaking.

XVII. A certificate under the hands of two Justices, certifying that the whole of the prescribed sum has been subscribed, shall be sufficient evidence thereof, and on the application of the promoters of the undertaking, and the production of such evidence as such Justices think proper and sufficient, such Justices shall grant such certificate accordingly.

XVIII. When the promoters of the undertaking shall require to purchase or take any of the lands which by this or the special Act, or any Act incorporated therewith, they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this Act to sell and convey or release the same, or such of the said parties as shall, after diligent inquiry, be known to the promoters of the undertaking, and by such notice shall demand from such parties the particulars of their estate and interest in such lands, and of the claims made by them in respect thereof; and every such notice shall state the particulars of the lands so required, and that the promoters of the undertaking are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

XIX. All notices required to be served by the promoters of the undertaking upon the parties interested in or entitled to sell any such lands shall either be served personally on such parties, or left at their last usual place of abode, if any such can after diligent inquiry be found, and in case any such parties shall be absent from the United Kingdom, or cannot be found after diligent inquiry, shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

XX. If any such party be a corporation aggregate such notice shall be left at the principal office of business of such corporation, or if no such office can after diligent inquiry be found, shall be served on some principal member, if any, of such corporation, and such notice shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

XXI. If, for twenty-one days after the service of such notice, any such party shall fail to state the particulars of his claim in respect of any such land, or to treat with the promoters of the undertaking in respect thereof, or if such party and the promoters of the undertaking shall not agree as to the amount of the compensation to be paid by the promoters of the undertaking for the interest in such lands belonging to such party, or which he is by this or the special Act enabled to sell, or for any damage that may be sustained by him by reason of the execution of the works, the amount of such compensation shall be settled in the manner hereinafter provided for settling cases of disputed compensation.

XXII. If no agreement be come to between the promoters of the undertaking and the owners of or parties by this Act enabled to sell and convey or release any lands taken or required for or injuriously affected by the execution of the

undertaking, or any interest in such lands, as to the value of such lands or of any interest therein, or as to the compensation to be made in respect thereof, and if in any such case the compensation claimed shall not exceed 50*l*., the same shall be settled by two Justices.

XXIII. If the compensation claimed or offered in any such case shall exceed 50*l*., and if the party claiming compensation desire to have the same settled by arbitration, and signify such desire by notice in writing to the promoters of the undertaking, before they have issued their warrant to the sheriff to summon a jury in respect of such lands, under the provisions hereinafter contained, stating in such notice the nature of the interest in respect of which such party claims compensation, and the amount of the compensation so claimed, the same shall be so settled accordingly; but unless the party claiming compensation shall as aforesaid signify his desire to have the question of such compensation settled by arbitration, or if when the matter shall have been referred to arbitration the arbitrators or their umpire shall for three months have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by the verdict of a jury, as hereinafter provided.

XXIV. It shall be lawful for any Justice, upon the application of either party with respect to any question of disputed compensation by this or the special Act, or any Act incorporated therewith, authorized to be settled by two Justices, to summon the other party to appear before two Justices, at a time and place to be named in the summons, and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such Justices to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, upon oath, and the costs of every such inquiry shall be in the discretion of such Justices, and they shall settle the amount thereof.

XXV. When any question of disputed compensation by this or the special Act, or any Act incorporated therewith, authorized or required to be settled by arbitration, shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall nominate and appoint an arbitrator, to whom such dispute shall be referred; and every appointment of an arbitrator shall be made on the part of the promoters of the undertaking under the hands of the said promoters or any two of them, or of their secretary or clerk, and on the part of any other party under the hand of such party, or if such party be a corporation aggregate under the common seal of such corporation; and such appointment shall be delivered to the arbitrator, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matter so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

XXVI. If, before the matters so referred shall be determined, any arbitrator appointed by either party die, or become incapable, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if, for the space of seven days after notice in writing from the other party for that purpose, he fail to do so, the remaining or other arbitrator may proceed *ex parte*; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or disability as aforesaid.

XXVII. Where more than one arbitrator shall have been appointed such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this or the special Act, and if such umpire shall die, or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

XXVIII. If in either of the cases aforesaid the said arbitrators shall refuse, or shall, for seven days after request of either party to such arbitration, neglect to appoint an umpire, the Board of Trade, in any case in which a railway company shall be one party to the arbitration, and two Justices in any other case, shall, on the application of either party to such arbitration, appoint an umpire, and the decision of such umpire on the matters on which the arbitrators shall differ, or which shall be referred to him under this or the special Act, shall be final.

XXIX. If, when a single arbitrator shall have been appointed, such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitration under the provisions of this or the special Act in the same manner as if such arbitrator had not been appointed.

XXX. If, where more than one arbitrator shall have been appointed, either of the arbitrators refuse or for seven days neglect to act the other arbitrator may proceed *ex parte*, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

XXXI. If, where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time (if any,) as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

XXXII. The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

XXXIII. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him, he shall in the presence of a Justice make and subscribe the following declaration; that is to say,

'I A.B. do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of the Act [*naming the special Act*].' A.B.

'Made and subscribed in the Presence of'

And such declaration shall be annexed to the award when made; and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto he shall be guilty of a misdemeanour.

XXXIV. All the costs of any such arbitration, and incident thereto to be settled by the arbitrators, shall be borne by the promoters of the undertaking, unless the arbitrators shall award the same or a less sum than shall have been offered by the promoters of the undertaking, in which case each party shall bear his own costs incident to the arbitration, and the costs of the arbitrators shall be borne by the parties in equal proportions.

XXXV. The arbitrators shall deliver their award in writing to the promoters of the undertaking, and the said promoters shall retain the same, and shall forthwith, on demand, at their own expense, furnish a copy thereof to the other party to the arbitration, and shall at all times, on demand, produce the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose.

XXXVI. The submission to any such arbitration may be made a rule of any of the superior courts, on the application of either of the parties.

XXXVII. No award made with respect to any question referred to arbitration under the provisions of this or the special Act shall be set aside for irregularity or error in matter of form.

XXXVIII. Before the promoters of the undertaking shall issue their warrant for summoning a jury for settling any case of disputed compensation they shall give not less than ten days' notice to the other party of their intention to cause such jury to be summoned, and in such notice the promoters of the undertaking shall state what sum of money they are willing to give for the interest in such lands sought to be purchased by them from such party, and for the damage to be sustained by him by the execution of the works.

XXXIX. In every case in which any such question of disputed compensation shall be required to be determined by the verdict of a jury, the promoters of the undertaking shall issue their warrant to the sheriff, requiring him to summon a jury for that purpose, and such warrant shall be under the common seal of the promoters of the undertaking if they be a corporation, or if they be not a corporation under the hands and seals of such promoters or any two of them; and if such sheriff be interested in the matter in dispute such application shall be made to some coroner of the county in which the lands in question, or some part thereof, shall be situate, and if all the coroners of such county be so interested, such application may be made to some person having filled the office of sheriff or coroner in such county, and who shall be then living there, and who shall not be interested in the matter in dispute; and with respect to the persons last mentioned preference shall be given to one who shall have most recently served either of the said offices; and every ex-sheriff, coroner, or ex-corer shall have power, if he think fit, to appoint a deputy or assessor.

XL. Throughout the enactments contained in this Act relating to the reference to a jury, where the term "Sheriff" is used, the provisions applicable thereto shall be held to apply to every coroner or other person lawfully acting in his place; and in every case in which any such warrant shall have been directed to any other person than the sheriff, such sheriff shall immediately on receiving notice of the delivery of the warrant, deliver over, on application for that purpose, to the person to whom the same shall have been directed, or to any person appointed by him to receive the same, the jurors book and special jurors list belonging to the county where the lands in question shall be situate.

XLI. Upon the receipt of such warrant the sheriff shall summon a jury of twenty-four indifferent persons, duly qualified to act as common jurymen in the superior courts, to meet at a convenient time and place to be appointed by him for that purpose, such time not being less than fourteen nor more than twenty-one days after the receipt of such warrant, and such place not being more than eight miles distant from the lands in question, unless by consent of the parties interested, and he shall forthwith give notice to the promoters of the works of the time and place so appointed by him.

XLII. Out of the jurors appearing upon such summons a jury of twelve persons shall be drawn by the sheriff, in such manner as juries for trials of issues joined in the superior courts are by law required to be drawn, and if a sufficient number of jurymen do not appear in obedience to such summons the sheriff shall return other indifferent men, duly qualified as aforesaid, of the bystanders, or others that can speedily be procured, to make up the jury to the number aforesaid; and all parties concerned may have their lawful challenges against any of the jurymen, but no such party shall challenge the array.

XLIII. The sheriff shall preside on the said inquiry, and the party claiming compensation shall be deemed the plaintiff, and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law; and if either party so request in writing, the sheriff shall summon before him any person considered necessary to be examined as a witness touching the matters in question, and on the like request the sheriff shall order the jury, or any six or more of them, to view the place or matter in controversy, in like manner as views may be had in the trial of actions in the superior courts.

XLIV. If the sheriff make default in any of the matters hereinbefore required to be done by him in relation to any such trial or inquiry, he shall forfeit 50*l.* for every such offence, and such penalty shall be recoverable by the promoters of the undertaking by action in any of the superior courts; and if any person summoned and returned upon any jury under this or the special Act, whether common or special, do not appear, or if appearing, he refuse to make oath, or in any other manner unlawfully neglect his duty, he shall, unless he shew reasonable excuse to the satisfaction of the sheriff, forfeit a sum not exceeding 10*l.*, and every such penalty payable by a sheriff or jurymen shall be applied in satisfaction of the costs of the inquiry, so far as

the same will extend; and, in addition to the penalty hereby imposed, every such jurymen shall be subject to the same regulations, pains, and penalties as if such jury had been returned for the trial of an issue joined in any of the superior courts.

XLV. If any person duly summoned to give evidence upon any such inquiry, and to whom a tender of his reasonable expenses shall have been made, fail to appear at the time and place specified in the summons without sufficient cause, or if any person, whether summoned or not, who shall appear as a witness refuse to be examined on oath touching the subject-matter in question, every person so offending shall forfeit to the party aggrieved a sum not exceeding 10*l*.

XLVI. Not less than ten days' notice of the time and place of the inquiry shall be given in writing by the promoters of the undertaking to the other party.

XLVII. If the party claiming compensation shall not appear at the time appointed for the inquiry such inquiry shall not be further proceeded in, but the compensation to be paid shall be such as shall be ascertained by a surveyor appointed by two Justices in manner hereinafter provided.

XLVIII. Before the jury proceed to inquire of and assess the compensation or damage in respect of which their verdict is to be given they shall make oath that they will truly and faithfully inquire of and assess such compensation or damage, and the sheriff shall administer such oaths, as well as the oaths of all persons called upon to give evidence.

XLIX. Where such inquiry shall relate to the value of lands to be purchased, and also to compensation claimed for injury done or to be done to the lands held therewith, the jury shall deliver their verdict separately for the sum of money to be paid for the purchase of the lands required for the works, or of any interest therein belonging to the party with whom the question of disputed compensation shall have arisen, or which under the provisions herein contained, he is enabled to sell or convey, and for the sum of money to be paid by way of compensation for the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such lands by the exercise of the powers of this or the special Act, or any Act incorporated therewith.

L. The sheriff before whom such inquiry shall be held shall give judgment for the purchase-money or compensation assessed by such jury, and the verdict and judgment shall be signed by the sheriff, and being so signed shall be kept by the clerk of the peace among the records of the General or Quarter Sessions of the county in which the lands or any part thereof shall be situate in respect of which such purchase-money or compensation shall have been awarded; and such verdicts and judgments shall be deemed records, and the same or true copies thereof shall be good evidence in all courts and elsewhere, and all persons may inspect the said verdicts and judgments, and may have copies thereof or extracts therefrom, on paying for each inspection thereof 1*s*., and for every one hundred words copied or extracted therefrom 6*d*., which copies or extracts the clerk of the peace is hereby required to make out and to sign and certify the same to be true copies.

LI. On every such inquiry before a jury, where the verdict of the jury shall be given for a greater sum than the sum previously offered by the promoters of the undertaking, all the costs of such inquiry shall be borne by the promoters of the undertaking; but if the verdict of the jury be given for the same or a less sum than the sum previously offered by the promoters of the undertaking; or if the owner of the lands shall have failed to appear at the time and place appointed for the inquiry, having received due notice thereof, one-half of the costs of summoning, impanelling, and returning the jury, and of taking the inquiry and recording the verdict and judgment thereon, in case such verdict shall be taken, shall be defrayed by the owner of the lands, and the other half by the promoters of the undertaking, and each party shall bear his own costs, other than as aforesaid, incident to such inquiry.

LII. The costs of any such inquiry shall, in case of difference, be settled by one of the Masters of the Court of Queen's Bench of England or Ireland, according as the lands are situate, on the application of either party, and such costs shall include all reasonable costs, charges, and expenses incurred in summoning, impanelling, and returning the jury, taking the inquiry, the attendance of witnesses, the employment of counsel and attorneys, recording the verdict and judgment thereon, and otherwise incident to such inquiry.

LIII. If any such costs shall be payable by the promoters of the undertaking, and if within seven days after demand such costs be not paid to the party entitled to receive the same, they shall be recoverable by distress, and on application to any Justice he shall issue his warrant accordingly; and if any such costs shall be payable by the owner of the lands or of any interest therein, the same may be deducted and retained by the promoters of the undertaking, out of any money awarded by the jury to such owner, or determined by the valuation of a surveyor under the provision hereinafter contained; and the payment or deposit of the remainder, if any, of such money shall be deemed payment and satisfaction of the whole thereof, or if such costs shall exceed the amount of the money so awarded or determined, the excess shall be recoverable by distress, and on application to any Justice he shall issue his warrant accordingly.

LIV. If either party desire any such question of disputed compensation as aforesaid to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if coming from the other party, be given to the promoters of the undertaking before they have issued their warrant to the sheriff; and for that purpose the promoters of the undertaking shall by their warrant to the sheriff require him to nominate a special jury for such trial; and thereupon the sheriff shall, as soon as conveniently may be after the receipt by him of such warrant, summon both the parties to appear before him, by themselves or their attorneys, at some convenient time and place appointed by him for the purpose of nominating a special jury (not being less than five nor more than eight days from the service of such summons); and at the place and time so appointed the sheriff shall proceed to nominate and strike a special jury, in the manner in which such juries shall be required by the laws for the time being in force to be nominated or struck by the proper officers of the superior courts, and the sheriff shall appoint a day, not later than the eighth day after striking of such jury, for the parties or their agents to appear before him to reduce the number of such jury, and thereof shall give four days' notice to the parties; and on the day so appointed the sheriff shall proceed to reduce the said special jury to the number of twenty, in the manner used and accustomed by the proper officers of the superior courts.

L.V. The special jury on such inquiry shall consist of twelve of the said twenty who shall first appear on the names being called over, the parties having their lawful challenges against any of the said jurymen; and if a full jury do not appear, and if after such challenges a full jury do not remain, then, upon the application of either party, the sheriff shall add to the list of such jury the names of any other disinterested persons qualified to act as special or common jurymen, who shall not have been previously struck off the aforesaid list, and who may then be attending the Court, or can speedily be procured, so as to complete such jury, all parties having their lawful challenges against such persons; and the sheriff shall proceed to the trial and adjudication of the matters in question by such jury, and such trial shall be attended in all respects with the like incidents and consequences, and the like penalties shall be applicable, as hereinbefore provided in the case of a trial by common jury.

LVI. Any other inquiry than that for the trial of which such special jury may have been struck and reduced as aforesaid may be tried by such jury, provided the parties thereto respectively shall give their consent to such trial.

LVII. No jurymen shall, without his consent, be summoned or required to attend any such proceeding as aforesaid more than once in any year.

LVIII. The purchase-money or compensation to be paid for any lands to be purchased or taken by the promoters of the undertaking from any party who, by reason of absence from the kingdom, is prevented from treating, or who cannot after diligent inquiry be found, or that any such party failed to appear on such inquiry before a jury as aforesaid, after due notice to him for that purpose, such Justices shall, by writing under their hands, nominate an able practical surveyor for determining such compensation as aforesaid, and such surveyor shall determine the same accordingly, and shall annex to his valuation as hereinafter mentioned.

LIX. Upon application by the promoters of the undertaking to two Justices, and upon such proof as shall be satisfactory to them that any such party is, by reason of absence from the kingdom, prevented from treating, or cannot after diligent inquiry be found, or that any such party failed to appear on such inquiry before a jury as aforesaid, after due notice to him for that purpose, such Justices shall, by writing under their hands, nominate an able practical surveyor for determining such compensation as aforesaid, and such surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

LX. Before such surveyor shall enter upon the duty of making such valuation as aforesaid he shall, in the presence of such Justices, or one of them, make and subscribe the declaration following at the foot of such nomination; (that is to say),  
*'I A.B. do solemnly and sincerely declare, that I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute the Duty of making the Valuation hereby referred to me.'* A.B.

*'Made and subscribed in the Presence of'*

And if any surveyor shall corruptly make such declaration, or having made such declaration shall wilfully act contrary thereto, he shall be guilty of a misdemeanour.

LXI. The said nomination and declaration shall be annexed to the valuation to be made by such surveyor, and shall be preserved together therewith by the promoters of the undertaking, and they shall at all times produce the said valuation and other documents, on demand, to the owner of the lands comprised in such valuation, and to all other parties interested therein.

LXII. All the expenses of and incident to every such valuation shall be borne by the promoters of the undertaking.

LXIII. In estimating the purchase-money or compensation to be paid by the promoters of the undertaking, in any of the cases aforesaid, regard shall be had by the Justices, arbitrators, or surveyors, as the case may be, not only to the value of the land to be purchased or taken by the promoters of the undertaking, but also to the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such other lands by the exercise of the powers of this or the special Act, or any Act incorporated therewith.

LXIV. When the compensation payable in respect of any lands, or any interest therein, shall have been ascertained by the valuation of a surveyor, and deposited in the Bank under the provisions herein contained, by reason that the owner of or party entitled to convey such lands or such interest therein as aforesaid could not be found or was absent from the kingdom, if such owner or party shall be dissatisfied with such valuation it shall be lawful for him, before he shall have applied to the Court of Chancery for payment or investment of the monies so deposited under the provisions herein contained, by notice in writing to the promoters of the undertaking, to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted accordingly, in the same manner as in other cases of disputed compensation hereinbefore authorized or required to be submitted to arbitration.

LXV. The question to be submitted to the arbitrators in the case last aforesaid shall be, whether the said sum so deposited as aforesaid by the promoters of the undertaking was a sufficient sum, or whether any and what further sum ought to be paid or deposited by them.

LXVI. If the arbitrators shall award that a further sum ought to be paid or deposited by the promoters of the undertaking they shall pay or deposit, as the case may require, such further sum within fourteen days after the making of such award, and in default thereof the same may be enforced by attachment, or recovered with costs by action or suit in any of the superior courts.

LXVII. If the arbitrators shall determine that the sum so deposited was sufficient, the costs of and incident to such arbitration, to be determined by the arbitrators, shall be in the discretion of the arbitrators, but if the arbitrators shall determine that a further sum ought to be paid or deposited by the promoters of the undertaking, all the costs of and incident to the arbitration shall be borne by the promoters of the undertaking.

LXVIII. If any party shall be entitled to any compensation in respect of any lands, or of any interest therein, which shall have been taken for or injuriously affected by the execution of the works, and for which the promoters of the undertaking

shall not have made satisfaction under the provisions of this or the special Act, or any Act incorporated therewith, and if the compensation claimed in such case shall exceed the sum of 50*l*., such party may have the same settled either by arbitration or by the verdict of a jury, as he shall think fit; and if such party desire to have the same settled by arbitration, it shall be lawful for him to give notice in writing to the promoters of the undertaking of such his desire, stating in such notice the nature of the interest in such lands in respect of which he claims compensation, and the amount of the compensation so claimed therein; and unless the promoters of the undertaking be willing to pay the amount of compensation so claimed, and shall enter into a written agreement for that purpose within twenty-one days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner herein provided; or if the party so entitled as aforesaid desire to have such question of compensation settled by jury, it shall be lawful for him to give notice in writing of such his desire to the promoters of the undertaking, stating such particulars as aforesaid, and unless the promoters of the undertaking be willing to pay the amount of compensation so claimed, and enter into a written agreement for that purpose, they shall, within twenty-one days after the receipt of such notice, issue their warrant to the sheriff to summon a jury for settling the same in the manner herein provided, and in default thereof they shall be liable to pay to the party so entitled as aforesaid the amount of compensation so claimed, and the same may be recovered by him, with costs, by action in any of the superior courts.

LXX. And with respect to the purchase-money or compensation coming to parties having limited interests, or prevented from treating, or not making title,—it is enacted as follows: If the purchase-money or compensation which shall be payable in respect of any lands, or any interest therein, purchased or taken by the promoters of the undertaking from any corporation, tenant for life or in tail, married woman seised in her own right or entitled to dower, guardian, committee of lunatic or idiot, trustee, executor or administrator, or person having a partial or qualified interest only in such lands, and not entitled to sell or convey the same except under the provisions of this or the special Act, or the compensation to be paid for any permanent damage to any such lands, amount to or exceed the sum of 200*l*. the same shall be paid into the Bank, in the name and with the privy of the Accountant General of the Court of Chancery in England if the same relate to lands in England or Wales, or the Accountant General of the Court of Exchequer in Ireland if the same relate to lands in Ireland, to be placed to the account there of such Accountant General, *ex parte* the promoters of the undertaking (describing them by their proper name), in the matter of the special Act (citing it), pursuant to the method prescribed by any Act for the time being in force for regulating monies paid into the said courts; and such monies shall remain so deposited until the same be applied to some one or more of the following purposes; (that is to say,)

In the purchase or redemption of the land tax, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or the like uses, trusts, or purposes; or

In the purchase of other lands to be conveyed, limited, and settled upon the like uses, trusts, and purposes, and in the same manner, as the lands in respect of which such money shall have been paid stood settled; or

If such money shall be paid in respect of any buildings taken under the authority of this or the special Act, or injured by the proximity of the works, in removing or replacing such buildings, or substituting others in their stead, in such manner as the Court of Chancery shall direct; or

In payment to any party becoming absolutely entitled to such money.

LXXI. Such money may be so applied as aforesaid upon an order of the Court of Chancery in England or the Court of Exchequer in Ireland, made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied it may, upon the like order, be invested by the said Accountant General in the purchase of 3*l*. per cent. Consolidated or 3*l*. per cent. reduced Bank annuities, or in government or real securities, and the interest, dividends, and annual proceeds thereof paid to the party who would for the time being have been entitled to the rents and profits of the lands.

LXXII. If such purchase-money or compensation shall not amount to the sum of 200*l*., and shall exceed the sum of 20*l*., the same shall either be paid into the Bank, and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding 200*l*., or the same may lawfully be paid to two trustees, to be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the party so entitled; and in case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such monies, such nomination may lawfully be made by their respective husbands, guardians, committees, or trustees; but such last-mentioned application of the monies shall not be made unless the promoters of the undertaking approve thereof and of the trustees named for the purpose; and the money so paid to such trustees, and the produce arising therefrom, shall be by such trustees applied in the manner hereinbefore directed with respect to money paid into the Bank, but it shall not be necessary to obtain any order of the Court for that purpose.

LXXIII. If such money shall not exceed the sum of 20*l*., the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable, for their own use and benefit, or in case of the coverture, infancy, idioty, lunacy, or other incapacity of any such parties, then such money shall be paid, for their use, to the respective husbands, guardians, committees, or trustees of such persons.

LXXIV. All sums of money exceeding 20*l*., which may be payable by the promoters of the undertaking in respect of the taking, using, or interfering with any lands under a contract or agreement with any person who shall not be entitled to dispose of such lands, or of the interest therein contracted to be sold by him, absolutely for his own benefit, shall be paid into the Bank or to trustees in manner aforesaid; and it shall not be lawful for any contracting party not entitled as aforesaid to retain to his own use any portion of the sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such lands, or in lieu of bridges, tunnels, or other accommodation works, or for assenting to or not opposing the passing of the Bill authorising the taking of such lands, but all such monies shall be deemed to have been contracted to be paid for and on account of the several parties interested in such lands, as well in possession as in remainder,



reversion, or expectancy: Provided always, that it shall be in the discretion of the Court of Chancery in England or the Court of Exchequer in Ireland, or the said trustees, as the case may be, to allot to any tenant for life, or for any other partial or qualified estate, for his own use, a portion of the sum so paid into the Bank, or to such trustees as aforesaid, as compensation for any injury, inconvenience, or annoyance which he may be considered to sustain, independently of the actual value of the lands to be taken, and of the damage occasioned to the lands held therewith, by reason of the taking of such lands and the making of the works.

LXXIV. Where any purchase-money or compensation paid into the Bank under the provisions of this or the special Act shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the Court of Chancery in England or the Court of Exchequer in Ireland, on the petition of any party interested in such money, to order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid, or as near thereto as may be.

LXXV. Upon deposit in the Bank in manner hereinbefore provided of the purchase-money or compensation agreed or awarded to be paid in respect of any lands purchased or taken by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, the owner of such lands, including in such term all parties by this Act enabled to sell or convey lands, shall, when required so to do by the promoters of the undertaking, duly convey such lands to the promoters of the undertaking, or as they shall direct; and in default thereof, or if he fail to adduce a good title to such lands to their satisfaction, it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed-poll under their common seal, if they be a corporation, or if they be not a corporation under the hands and seals of the promoters, or any two of them, containing a description of the lands in respect of which such default shall be made, and reciting the purchase or taking thereof, by the promoters of the undertaking, and the names of the parties from whom the same were purchased or taken, and the deposit made in respect thereof, and declaring the fact of such default having been made, and such deed-poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein; and thereupon all the estate and interest in such lands of or capable of being sold and conveyed by the party between whom and the promoters of the undertaking such agreement shall have been come to, or as between whom and the promoters of the undertaking such purchase-money or compensation shall have been determined by a jury, or by arbitrators, or by a surveyor appointed by two Justices as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the promoters of the undertaking, and as against such parties, and all parties on behalf of whom they are hereinbefore enabled to sell and convey, the promoters of the undertaking shall be entitled to immediate possession of such lands.

LXXVI. If the owner of any such lands purchased or taken by the promoters of the undertaking, or of any interest therein, on tender of the purchase-money or compensation either agreed or awarded to be paid in respect thereof, refuse to accept the same, or neglect or fail to make out a title to such lands, or to the interest therein claimed by him, to the satisfaction of the promoters of the undertaking, or if he refuse to convey or release such lands as directed by the promoters of the undertaking, or if any such owner be absent from the kingdom, or cannot after diligent inquiry be found, or fail to appear on the inquiry before a jury, as herein provided for, it shall be lawful for the promoters of the undertaking to deposit the purchase-money or compensation payable in respect of such lands, or any interest therein, in the Bank, in the name and with the privy of the Accountant General of the Court of Chancery in England or the Court of Exchequer in Ireland, to be placed, except in the cases herein otherwise provided for, to his account there, to the credit of the parties interested in such lands (describing them so far as the promoters of the undertaking can do), subject to the controul and disposition of the said Court.

LXXVII. Upon any such deposit of money as last aforesaid being made the cashier of the Bank shall give to the promoter of the undertaking, or to the party paying in such money by their direction, a receipt for such money, specifying therein for what and for whose use (described as aforesaid) the same shall have been received, and in respect of what purchase the same have been paid in; and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed-poll under their common seal if they be a corporation, or if they be not a corporation under the hands and seals of the said promoters, or any two of them, containing a description of the lands in respect whereof such deposit shall have been made, and declaring the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such deed-poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein; and thereupon all the estate and interest in such lands of the parties for whose use and in respect whereof such purchase-money or compensation shall have been deposited shall vest absolutely in the promoters of the undertaking, and as against such parties they shall be entitled to immediate possession of such lands.

LXXVIII. Upon the application by petition of any party making claim to the money so deposited as last aforesaid, or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said Court of Chancery in England or the Court of Exchequer in Ireland may, in a summary way, as to such Court shall seem fit, order such money to be laid out or invested in the public funds, or may order distribution thereof, or payment of the dividends thereof, according to the respective estates, titles, or interests of the party making claim to such money or lands, or any part thereof, and may make such other order in the premises as to such Court shall seem fit.

LXXIX. If any question arise respecting the title to the lands in respect whereof such monies shall have been so paid deposited as aforesaid, the parties respectively in possession of such lands, as being the owners thereof, or in receipt of the rents of such lands, as being entitled thereto at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shewn to the satisfaction of the Court; and unless the contrary be shewn as aforesaid, the parties so in possession, and all parties claiming under them, or consistently with their possession, shall

deemed entitled to the money so deposited, and to the dividends or interest of the annuities or securities purchased therewith, and the same shall be paid and applied accordingly.

LXXX. In all cases of monies deposited in the Bank under the provisions of this or the special Act, or an Act incorporated therewith, except where such monies shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release the lands in respect whereof the same shall be payable, or by reason of the wilful neglect of any party to make out a good title to the land required, it shall be lawful for the Court of Chancery in England or the Court of Exchequer in Ireland to order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the promoters of the undertaking; (that is to say,) the costs of the purchase or taking of the lands, or which shall have been incurred in consequence thereof, other than such costs as are herein otherwise provided for, and the costs of the investment of such monies in government or real securities, and of the reinvestment thereof in the purchase of other lands, and also the costs of obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such monies shall be invested, and for the payment out of court of the principal of such monies, or of the securities whereon the same shall be invested, and of all proceedings relating thereto, except such as are occasioned by litigation between adverse claimants: Provided always, that the costs of one application only for reinvestment in land shall be allowed, unless it shall appear to the Court of Chancery in England or the Court of Exchequer in Ireland that it is for the benefit of the parties interested in the said monies that the same should be invested in the purchase of lands, in different sums and at different times, in which case it shall be lawful for the Court, if it think fit, to order the costs of any such investments to be paid by the promoters of the undertaking.

LXXXI. And with respect to the conveyances of lands,—it is enacted as follows: Conveyances of lands to be purchased under the provisions of this or the special Act, or any Act incorporated therewith, may be according to the forms in the Schedules (A.) and (B.) respectively to this Act annexed, or as near thereto as the circumstances of the case will admit, or by deed in any other form which the promoters of the undertaking may think fit; and all conveyances made according to the forms in the said Schedules or as near thereto as the circumstances of the case will admit shall be effectual to vest the lands thereby conveyed in the promoters of the undertaking, and shall operate to merge all terms of years attendant by express declaration, or by construction of law, on the estate or interest so thereby conveyed, and to bar and to destroy all such estates tail, and all other estates, rights, titles, remainders, reversions, limitations, trusts, and interests whatsoever, of and in the lands comprised in such conveyances which shall have been purchased or compensated for by the consideration therein mentioned; but although terms of years be thereby merged, they shall in equity afford the same protection as if they had been kept on foot, and assigned to a trustee for the promoters of the undertaking to attend the reversion and inheritance.

LXXXII. The costs of all such conveyances shall be borne by the promoters of the undertaking, and such costs shall include all charges and expenses incurred, on the part as well of the seller as of the purchaser, of all conveyances and assurances of any such lands, and of any outstanding terms or interests therein, and of deducing, evidencing, and verifying the title to such lands, terms, or interests, and of making out and furnishing such abstracts and attested copies as the promoters of the undertaking may require, and all other reasonable expenses incident to the investigation, deduction, and verification of such title.

LXXXIII. If the promoters of the undertaking and the party entitled to any such costs shall not agree as to the amount thereof, such costs shall be taxed by one of the taxing Masters of the Court of Chancery, or by a Master in Chancery in Ireland, upon an order of the same Court, to be obtained upon petition in a summary way by either of the parties; and the promoters of the undertaking shall pay what the said Master shall certify to be due in respect of such costs to the party entitled thereto, or in default thereof the same may be recovered in the same way as any other costs payable under an order of the said Court, or the same may be recovered by distress in the manner hereinbefore provided in other cases of costs; and the expense of taxing such costs shall be borne by the promoters of the undertaking, unless upon such taxation one-sixth part of the amount of such costs shall be disallowed, in which case the costs of such taxation shall be borne by the party whose costs shall be so taxed, and the amount thereof shall be ascertained by the said Master, and deducted by him accordingly in his certificate of such taxation.

LXXXIV. And with respect to the entry upon lands by the promoters of the undertaking,—it is enacted as follows: The promoters of the undertaking shall not, except by consent of the owners and occupiers, enter upon any lands which shall be required to be purchased or permanently used for the purposes and under the powers of this or the special Act, until they shall either have paid to every party having any interest in such lands, or deposited in the Bank, in the manner herein mentioned, the purchase-money or compensation agreed or awarded to be paid to such parties respectively for their respective interests therein: Provided always, that for the purpose merely of surveying and taking levels of such lands, and of probing or boring to ascertain the nature of the soil, and of setting out the line of the works, it shall be lawful for the promoters of the undertaking, after giving not less than three nor more than fourteen days' notice to the owners or occupiers thereof, to enter upon such lands without previous consent, making compensation for any damage thereby occasioned to the owners or occupiers thereof.

LXXXV. Provided also, that if the promoters of the undertaking shall be desirous of entering upon and using any such lands before an agreement shall have been come to or an award made, or verdict given for the purchase-money or compensation to be paid by them in respect of such lands, it shall be lawful for the promoters of the undertaking to deposit in the Bank by way of security, as hereinafter mentioned, either the amount of purchase-money or compensation claimed by any party interested in or entitled to sell and convey such lands, and who shall not consent to such entry, or such a sum as shall, by a surveyor appointed by two Justices in the manner hereinbefore provided in the case of parties who cannot be found, be determined to be the value of such lands, or of the interest therein which such party is entitled to or enabled to sell and convey, and also to give to such party a bond, under the common seal of the promoters if they be a corporation, or if they be not a corporation under the hands and seals of the said promoters, or any two of them, with two sufficient sureties to be approved of by two Justices in case the parties differ, in a penal sum equal to the sum so to be deposited, conditioned for payment to such

party, or for deposit in the Bank for the benefit of the parties interested in such lands, as the case may require, under the provisions herein contained, of all such purchase-money or compensation, as may in manner hereinbefore provided be determined to be payable by the promoters of the undertaking in respect of the lands so entered upon, together with interest thereon, at the rate of 5*l.* per cent. per annum, from the time of entering on such lands, until such purchase-money or compensation shall be paid to such party, or deposited in the Bank for the benefit of the parties interested in such lands, under the provisions herein contained; and upon such deposit by way of security being made as aforesaid, and such bond being delivered or tendered to such non-consenting party as aforesaid, it shall be lawful for the promoters of the undertaking to enter upon and use such lands, without having first paid or deposited the purchase-money or compensation in other cases required to be paid or deposited by them before entering upon any lands to be taken by them under the provisions of this or the special Act.

LXXXVI. The money so to be deposited as last aforesaid shall be paid into the Bank in the name and with the privity of the Accountant General of the Court of Chancery in England or the Court of Exchequer in Ireland, to be placed to his account there to the credit of the parties interested in or entitled to sell and convey the lands so to be entered upon, and who shall not have consented to such entry, subject to the controul and disposition of the said Court; and upon such deposit being made, the cashier of the Bank shall give to the promoters of the undertaking, or to the party paying in such money by their direction a receipt for such money, specifying therein for what purpose and to whose credit the same shall have been paid in.

LXXXVII. The money so deposited as last aforesaid shall remain in the Bank, by way of security to the parties whose lands shall so have been entered upon for the performance of the condition of the bond to be given by the promoters of the undertaking, as hereinbefore mentioned, and the same may, on the application by petition of the promoters of the undertaking, be ordered to be invested in bank annuities or government securities, and accumulated; and upon the condition of such bond being fully performed it shall be lawful for the Court of Chancery in England or the Court of Exchequer in Ireland, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the promoters of the undertaking, or if such condition shall not be fully performed, it shall be lawful for the said Court to order the same to be applied in such manner as it shall think fit for the benefit of the parties for whose security the same shall so have been deposited.

LXXXVIII. If at any time the company be unable, by reason of the closing of the office of the Accountant General of the Court of Chancery in England or the Court of Exchequer in Ireland, to obtain his authority in respect of the payment of any sum of money so authorized to be deposited in the Bank by way of security as aforesaid, it shall be lawful for the company to pay into the Bank to the credit of such party or matter as the case may require (subject nevertheless to being dealt with as hereinafter provided, and not otherwise), such sum of money as the promoters of the undertaking shall, by some writing signed by their secretary or solicitors for the time being, addressed to the Governor and Company of the Bank in that behalf, request, and upon any such payment being made the cashier of the Bank shall give a certificate thereof; and in every such case, within ten days after the re-opening of the said Accountant General's office, the solicitor for the promoters of the undertaking shall there bespeak the direction for the payment of such sum into the name of the Accountant General, and upon production of such direction at the Bank of England the money so previously paid in shall be placed to the credit of the said Accountant General accordingly, and the receipt for the said payment be given to the party making the same in the usual way for the purpose of being filed at the report office.

LXXXIX. If the promoters of the undertaking or any of their contractors shall, except as aforesaid, wilfully enter upon and take possession of any lands which shall be required to be purchased or permanently used for the purposes of the special Act, without such consent as aforesaid, or without having made such payment for the benefit of the parties interested in the lands, or such deposit by way of security as aforesaid, the promoters of the undertaking shall forfeit to the party in possession of such lands the sum of 10*l.*, over and above the amount of any damage done to such lands by reason of such entry and taking possession as aforesaid, such penalty and damage respectively to be recovered before two Justices; and if the promoters of the undertaking or their contractors shall, after conviction in such penalty as aforesaid, continue in unlawful possession of any such lands, the promoters of the undertaking shall be liable to forfeit the sum of 2*5l.* for every day they or their contractors shall so remain in possession as aforesaid, such penalty to be recoverable by the party in possession of such lands, with costs, by action in any of the superior courts: Provided always, that nothing herein contained shall be held to subject the promoters of the undertaking to the payment of any such penalties as aforesaid, if they shall *bond fide* and without collusion have paid the compensation agreed or awarded to be paid in respect of the said lands to any person whom the promoters of the undertaking may have reasonably believed to be entitled thereto, or shall have deposited the same in the Bank for the benefit of the parties interested in the lands, or made such deposit by way of security in respect thereof as hereinbefore mentioned, although such person may not have been legally entitled thereto.

xc. On the trial of any action for any such penalty as aforesaid the decision of the Justices under the provision hereinbefore contained shall not be held conclusive as to the right of entry on any such lands by the promoters of the undertaking.

xc*i.* If in any case in which, according to the provisions of this or the special Act, or any Act incorporated therewith, the promoters of the undertaking are authorized to enter upon and take possession of any lands required for the purposes of the undertaking, the owner or occupier of any such lands or any other person refuse to give up the possession thereof, or hinder the promoters of the undertaking from entering upon or taking possession of the same, it shall be lawful for the promoters of the undertaking to issue their warrant to the sheriff to deliver possession of the same to the person appointed in such warrant to receive the same, and upon the receipt of such warrant the sheriff shall deliver possession of any such lands accordingly, and the costs accruing by reason of the issuing and execution of such warrant, to be settled by the sheriff, shall be paid by the person refusing to give possession, and the amount of such costs shall be deducted and retained by the promoters of the undertaking from the compensation, if any, then payable by them to such party, or if no such compensation be payable to such party, or if the same be less than the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice for that purpose he shall issue his warrant accordingly.

xcii. That no party shall at any time be required to sell or convey to the promoters of the undertaking a part only of any house or other building or manufactory, if such party be willing and able to sell and convey the whole thereof.

xciii. And with respect to small portions of intersected land,—it is enacted as follows: If any lands not being situate in a town or built upon shall be so cut through and divided by the works as to leave, either on both sides or on one side thereof, a less quantity of land than half a statute acre, and if the owner of such small parcel of land require the promoters of the undertaking to purchase the same along with the other land required for the purposes of the special Act, the promoters of the undertaking shall purchase the same accordingly, unless the owner thereof have other land adjoining to that so left into which the same can be thrown, so as to be conveniently occupied therewith; and if such owner have any other land so adjoining, the promoters of the undertaking shall, if so required by the owner, at their own expense, throw the piece of land so left into such adjoining land, by removing the fences and levelling the sites thereof, and by soiling the same in a sufficient and workmanlike manner.

xciv. If any such land shall be so cut through and divided as to leave on either side of the works a piece of land of less extent than half a statute acre, or of less value than the expense of making a bridge, culvert, or such other communication between the land so divided as the promoters of the undertaking are, under the provisions of this or the special Act, or any Act incorporated therewith, compellable to make, and if the owner of such lands have not other lands adjoining such piece of land, and require the promoters of the undertaking to make such communication, then the promoters of the undertaking may require such owner to sell to them such piece of land, and any dispute as to the value of such piece of land, or as to what would be the expense of making such communication, shall be ascertained as herein provided for cases of disputed compensation; and on the occasion of ascertaining the value of the land required to be taken for the purposes of the works, the jury or the arbitrators, as the case may be, shall, if required by either party, ascertain by their verdict or award the value of any such severed piece of land, and also what would be the expense of making such communication.

xcv. And with respect to copyhold lands,—it is enacted as follows: Every conveyance to the promoters of the undertaking, of any lands which shall be of copyhold or customary tenure, or of the nature thereof, shall be entered on the rolls of the manor of which the same shall be held or parcel; and on payment to the steward of such manor of such fees as would be due to him on the surrender of the same lands to the use of a purchaser thereof he shall make such enrolment; and every such conveyance, when so inrolled, shall have the like effect, in respect of such copyhold or customary lands, as if the same had been of freehold tenure, nevertheless, until such lands shall have been enfranchised by virtue of the powers hereinafter contained, they shall continue subject to the same fines, rents, heriots, and services as were theretofore payable and of right accustomed.

xcvi. Within three months after the enrolment of the conveyance of any such copyhold or customary lands, or within one month after the promoters of the undertaking shall enter upon and make use of the same for the purposes of the works, whichever shall first happen, or if more than one parcel of such lands holden of the same manor shall have been taken by them, then within one month after the last of such parcels shall have been so taken or entered on by them, the promoters of the undertaking shall procure the whole of the lands holden of such manor so taken by them to be enfranchised, and for that purpose shall apply to the lord of the manor whereof such lands are holden to enfranchise the same, and shall pay to him such compensation in respect thereof as shall be agreed upon between them and him, and if the parties fail to agree respecting the amount of the compensation to be paid for such enfranchisement the same shall be determined as in other cases of disputed compensation; and in estimating such compensation the loss in respect of the fines, heriots, and other services payable on death, descent, or alienation, or any other matters which would be lost by the vesting of such copyhold or customary lands in the promoters of the undertaking, or by the enfranchisement of the same, shall be allowed for.

xcvii. Upon payment or tender of the compensations so agreed upon or determined, or on deposit thereof in the Bank in any of the cases hereinbefore in that behalf provided, the lord of the manor whereof such copyhold or customary lands shall be holden shall enfranchise such lands, and the lands so enfranchised shall for ever thereafter be held in free and common socage; and in default of such enfranchisement by the lord of the manor, or if he fail to adduce a good title thereto to the satisfaction of the promoters of the undertaking, it shall be lawful for them, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them, and thereupon the lands in respect of the enfranchisement whereof such compensation shall have been deposited as aforesaid shall be deemed to be enfranchised, and shall be for ever thereafter held in free and common socage.

xcviii. If any such copyhold or customary lands be subject to any customary or other rent, and part only of the land subject to any such rent be required to be taken for the purposes of the special Act, the apportionment of such rent may be settled by agreement between the owner of the lands and the lord of the manor on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement, then the same shall be settled by two Justices; and the enfranchisement of any copyhold or customary lands taken by virtue of this or the special Act, or the apportionment of such rents, shall not affect in other respects any custom by or under which any such copyhold or customary lands not taken for such purposes shall be held; and if any of the lands so required be released from any portion of the rents to which they were subject jointly with any other lands, such last-mentioned lands shall be charged with the remainder only of such rents; and with reference to any such apportioned rents, the lord of the manor shall have all the same rights and remedies over the lands to which such apportioned rent shall have been assigned or attributed as he had previously over the whole of the lands subject to such rents for the whole of such rents.

xcix. And with respect to any such lands being common or waste lands,—it is enacted as follows: The compensation in respect of the right in the soil of any lands subject to any rights of common shall be paid to the lord of the manor, in case he shall be entitled to the same, or to such party, other than the commoners, as shall be entitled to such right in the soil; and the compensation in respect of all other commonable and other rights in or over such lands, including therein any commonable or other rights to which the lord of the manor may be entitled, other than his right in the soil of such lands, shall be determined and paid and applied in manner hereinafter provided with respect to common lands the right in the soil of which shall belong

to the commoners; and upon payment or deposit in the Bank of the compensation so determined all such commonable and other rights shall cease and be extinguished.

c. Upon payment or tender to the lord of the manor, or such other party as aforesaid, of the compensation which shall have been agreed upon or determined in respect of the right in the soil of any such lands, or on deposit thereof in the Bank in any of the cases hereinbefore in that behalf provided, such lord of the manor, or such other party as aforesaid, shall convey such lands to the promoters of the undertaking, and such conveyance shall have the effect of vesting such lands in the promoters of the undertaking, in like manner as if such lord of the manor, or such other party as aforesaid, had been seised in fee simple of such lands at the time of executing such conveyance; and in default of such conveyance it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them, and thereupon the lands in respect whereof such last-mentioned compensation shall have been deposited as aforesaid shall vest absolutely in the promoters of the undertaking, and they shall be entitled to immediate possession thereof, subject nevertheless to the commonable and other rights theretofore affecting the same, until such rights shall have been extinguished by payment or deposit of the compensation for the same in manner hereinafter provided.

ci. The compensation to be paid with respect to any such lands, being common lands, or in the nature thereof, the right to the soil of which shall belong to the commoners, as well as the compensation to be paid for the commonable and other rights in or over common lands the right in the soil whereof shall not belong to the commoners, other than the compensation to the lord of the manor, or other party entitled to the soil thereof, in respect of his right in the soil thereof, shall be determined by agreement between the promoters of the undertaking and a committee of the parties entitled to commonable or other rights in such lands, to be appointed as next hereinafter mentioned.

cii. It shall be lawful for the promoters of the undertaking to convene a meeting of the parties entitled to commonable or other rights over or in such lands to be held at some convenient place in the neighbourhood of the lands, for the purpose of their appointing a committee to treat with the promoters of the undertaking for the compensation to be paid for the extinction of such commonable or other rights; and every such meeting shall be called by public advertisement, to be inserted once at least in two consecutive weeks in some newspaper circulating in the county or in the respective counties and in the neighbourhood in which such lands shall be situate, the last of such insertions being not more than fourteen nor less than seven days prior to any such meeting; and notice of such meeting shall also, not less than seven days previous to the holding thereof, be affixed upon the door of the parish church where such meeting is intended to be held, or if there be no such church some other place in the neighbourhood to which notices are usually affixed; and if such lands be parcel or holden of a manor, a like notice shall be given to the lord of such manor.

ciii. It shall be lawful for the meeting so called to appoint a committee, not exceeding five in number, of the parties entitled to any such rights; and at such meeting the decision of the majority of the persons entitled to commonable rights present shall bind the minority and all absent parties.

civ. It shall be lawful for the committee so chosen to enter into an agreement with the promoters of the undertaking for the compensation to be paid for the extinction of such commonable and other rights, and all matters relating thereto, for and on behalf of themselves and all other parties interested therein; and all such parties shall be bound by such agreement; and it shall be lawful for such committee to receive the compensation so agreed to be paid, and the receipt of such committee, or of any three of them, for such compensation, shall be an effectual discharge for the same; and such compensation, when received, shall be apportioned by the committee among the several persons interested therein, according to their respective interests, but the promoters of the undertaking shall not be bound to see to the apportionment or to the application of such compensation, nor shall they be liable for the misapplication or non-application thereof.

cv. If upon such committee being appointed they shall fail to agree with the promoters of the undertaking as to the amount of the compensation to be paid as aforesaid, the same shall be determined as in other cases of disputed compensation.

cvi. If, upon being duly convened by the promoters of the undertaking, no effectual meeting of the parties entitled to such commonable or other rights shall take place, or if, taking place, such meeting fail to appoint such committee, the amount of such compensation shall be determined by a surveyor, to be appointed by two Justices, as hereinbefore provided in the case of parties who cannot be found.

cvi. Upon payment or tender to such committee, or any three of them, or if there shall be no such committee then upon deposit in the Bank in the manner provided in the like case of the compensation which shall have been agreed upon or determined in respect of such commonable or other rights, it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them, and thereupon the lands in respect of which such compensation shall have been so paid or deposited shall vest in the promoters of the undertaking, freed and discharged from all such commonable or other rights, and they shall be entitled to immediate possession thereof; and it shall be lawful for the Court of Chancery in England or the Court of Exchequer in Ireland, by an order to be made upon petition, to order payment of the money so deposited to a committee to be appointed as aforesaid, or to make such other order in respect thereto, for the benefit of the parties interested, as it shall think fit.

cvi. And with respect to lands subject to mortgage,—it is enacted as follows: It shall be lawful for the promoters of the undertaking to purchase or redeem the interest of the mortgagee of any such lands which may be required for the purposes of the special Act, and that whether they shall have previously purchased the equity of redemption of such lands or not, and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party, and whether he be in possession of such lands by virtue of such mortgage or not, and whether such mortgage affect such lands solely, or jointly with any other lands not required for the purposes of the special Act, and in order thereto the promoters of the undertaking may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any and also six months additional interest, and thereupon such mortgagee shall immediately convey his interest in the land

comprised in such mortgage to the promoters of the undertaking, or as they shall direct, or the promoters of the undertaking may give notice in writing to such mortgagee that they will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving such notice; and if they shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months' notice of his intention to redeem the same, then at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the promoters of the undertaking to the mortgagee of the principal money due on such mortgage, and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expenses, if any, such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the promoters of the undertaking, or as they shall direct.

CIX. If, in either of the cases aforesaid, upon such payment or tender, any mortgagee shall fail to convey or release his interest in such mortgage as directed by the promoters of the undertaking, or if he fail to adduce a good title thereto to their satisfaction, then it shall be lawful for the promoters of the undertaking to deposit in the Bank, in the manner provided by this Act in like cases, the principal and interest, together with the costs, if any, due on such mortgage, and also, if such payment be made before the expiration of six months' notice as aforesaid, such further interest as would at that time become due; and it shall be lawful for them, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them; and thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee, and of all persons in trust for him, or for whom he may be a trustee, in such lands, shall vest in the promoters of the undertaking, and they shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession.

CX. If any such mortgaged lands shall be of less value than the principal, interest, and costs secured thereon, the value of such lands, or the compensation to be made by the promoters of the undertaking in respect thereof, shall be settled by agreement between the mortgagee of such lands and the party entitled to the equity of redemption thereof on the one part, and the promoters of the undertaking on the other part, and if the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed compensation; and the amount of such value or compensation, being so agreed upon or determined, shall be paid by the promoters of the undertaking to the mortgagee in satisfaction of his mortgage debt so far as the same will extend, and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the promoters of the undertaking, or as they shall direct.

CXI. If, upon such payment or tender as aforesaid being made, any such mortgagee fail so to convey his interest in such mortgage, or to adduce a good title thereto to the satisfaction of the promoters of the undertaking, it shall be lawful for them to deposit the amount of such value or compensation in the Bank, in the manner provided by this Act in like cases, and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon; and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them; and thereupon such lands, as to all such estate and interest as were then vested in the mortgagee, or any person in trust for him, shall become absolutely vested in the promoters of the undertaking, and they shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession; nevertheless, all rights and remedies possessed by the mortgagee against the mortgagor, by virtue of any bond or covenant or other obligation, other than the right to such lands, shall remain in force in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposit.

CXII. If a part only of any such mortgaged lands be required for the purposes of the special Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part, and also the compensation (if any) to be paid in respect of the severance thereof or otherwise, shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such land on the one part, and the promoters of the undertaking on the other, and if the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed compensation, and the amount of such value or compensation, being so agreed upon or determined, shall be paid by the promoters of the undertaking to such mortgagee in satisfaction of his mortgage debt, so far as the same will extend; and thereupon such mortgagee shall convey or release to them, or as they shall direct, all his interest in such mortgaged lands the value whereof shall have been so paid; and a memorandum of what shall have been so paid shall be indorsed on the deed creating such mortgage, and shall be signed by the mortgagee; and a copy of such memorandum shall at the same time (if required) be furnished by the promoters of the undertaking, at their expense, to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

CXIII. If, upon payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined, such mortgagee shall fail to convey or release to the promoters of the undertaking, or as they shall direct, his interest in the lands in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the promoters of the undertaking, it shall be lawful for the promoters of the undertaking, to pay the amount of such value or compensation into the Bank, in the manner provided by this Act in the case of monies required to be deposited in such Bank, and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of the portion of the mortgaged lands so required from all money due thereon; and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them; and thereupon such lands shall become absolutely vested in the promoters of the undertaking, as to all such estate and interest as were then vested in the mortgagee, or any person in trust for him, and in case such mortgagee were himself entitled to such possession they

shall be entitled to immediate possession thereof; nevertheless, every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money, or the residue thereof (as the case may be), and the interest thereof respectively, upon and out of the residue of such mortgaged lands, or the portion thereof not required for the purposes of the special Act, as he would otherwise have had or been entitled to for recovering or compelling payment thereof upon or out of the whole of the lands originally comprised in such mortgage.

cxiv. Provided always, that in any of the cases hereinbefore provided with respect to lands subject to mortgage, if in the mortgage deed a time shall have been limited for payment of the principal money thereby secured, and under the provisions hereinbefore contained the mortgagee shall have been required to accept payment of his mortgage money, or of part thereof, at a time earlier than the time so limited, the promoters of the undertaking shall pay to such mortgagee, in addition to the sum which shall have been so paid off, all such costs and expenses as shall be incurred by such mortgagee in respect of or which shall be incidental to the re-investment of the sum so paid off, such costs in case of difference to be taxed and payment thereof enforced in the manner herein provided with respect to the costs of conveyances; and if the rate of interest secured by such mortgage be higher than at the time of the same being so paid off can reasonably be expected to be obtained on re-investing the same, regard being had to the then current rate of interest, such mortgagee shall be entitled to receive from the promoters of the undertaking, in addition to the principal and interest hereinbefore provided for, compensation in respect of the loss to be sustained by him by reason of his mortgage money being so prematurely paid off, the amount of such compensation to be ascertained, in case of difference, as in other cases of disputed compensation; and until payment or tender of such compensation as aforesaid the promoters of the undertaking shall not be entitled, as against such mortgagee, to possession of the mortgaged lands under the provision hereinbefore contained.

cxv. And with respect to lands charged with any rent service, rent-charge, or chief or other rent, or other payment or incumbrance not hereinbefore provided for,—it is enacted as follows: If any difference shall arise between the promoters of the undertaking and the party entitled to any such charge upon any lands required to be taken for the purposes of the special Act, respecting the consideration to be paid for the release of such lands therefrom, or from the portion thereof affecting the lands required for the purposes of the special Act, the same shall be determined as in other cases of disputed compensation.

cxvi. If part only of the lands charged with any such rent service, rent-charge, chief or other rent, payment, or incumbrance, be required to be taken for the purposes of the special Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement the same shall be settled by two Justices; but if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

cxvii. Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the promoters of the undertaking a release of such charge; and if he fail so to do, or if he fail to adduce a good title to such charge, to the satisfaction of the promoters of the undertaking, it shall be lawful for them to deposit the amount of such compensation in the Bank in the manner hereinbefore provided in like cases, and also, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them, and thereupon the rent service, rent-charge, chief or other rent, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

cxviii. If any such lands be so released from any such charge or incumbrance, or portion thereof, to which they were subject jointly with other lands, such last-mentioned lands shall alone be charged with the whole of such charge, or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such last-mentioned lands, for the whole or for the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge; and if upon any such charge or portion of charge being so released the deed or instrument creating or transferring such charge be tendered to the promoters of the undertaking for the purpose, they or two of them shall subscribe, or if they be a corporation shall affix their common seal to a memorandum of such release indorsed on such deed or instrument, declaring what part of the lands originally subject to such charge shall have been purchased by virtue of the special Act, and if the lands be released from part of such charge, what proportion of such charge shall have been released, and how much thereof continues payable, or if the lands so required shall have been released from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith; and such memorandum shall be made and executed at the expense of the promoters of the undertaking, and shall be evidence in all courts and else where of the facts therein stated, but not so as to exclude any other evidence of the same facts.

cxix. And with respect to lands subject to leases,—it is enacted as follows: If any lands shall be comprised in a lease for a term of years unexpired, part only of which lands shall be required for the purposes of the special Act, the rent payable in respect of the lands comprised in such lease shall be apportioned between the lands so required and the residue of such lands; and such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement between the parties such apportionment shall be settled by two Justices; and after such apportionment the lessee of such lands shall, as to the future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of the special Act; and as to the lands not so required, and as against the lessee, the lessor shall have all the same rights and remedies for the recovery of such portion of rent as previously to such apportionment he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, shall remain in force with regard to that part of the land which shall not be required for the purposes of the special Act, in the same manner as they would have done in case such part only of the land had been included in the lease.



CXL. Every such lessee as last aforesaid shall be entitled to receive from the promoters of the undertaking compensation for the damage done to him in his tenancy by reason of the severance of the lands required from those not required, or otherwise by reason of the execution of the works.

CXLI. If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year or from year to year, and if such person be required to give up possession of any lands so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by an in-coming tenant, and for any loss or injury he may sustain, or if a part only of such lands be required, compensation for the damage done to him in his tenancy by severing the lands held by him, or otherwise injuriously affecting the same; and the amount of such compensation shall be determined by two Justices, in case the parties differ about the same; and upon payment or tender of the amount of such compensation all such persons shall respectively deliver up to the promoters of the undertaking, or to the person appointed by them to take possession thereof, any such lands in their possession required for the purposes of the special Act.

CXLII. If any party, having a greater interest than as tenant at will, claim compensation in respect of any unexpired term or interest under any lease or grant of any such lands, the promoters of the undertaking may require such party to produce the lease or grant in respect of which such claim shall be made, or the best evidence thereof in his power; and if, after demand made in writing by the promoters of the undertaking, such lease or grant or such best evidence thereof, be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.

CXLIII. That the powers of the promoters of the undertaking for the compulsory purchase or taking of lands for the purposes of the special Act shall not be exercised after the expiration of the prescribed period, and if no period be prescribed not after the expiration of three years from the passing of the special Act.

CXLIV. And with respect to interests in lands which have by mistake been omitted to be purchased,—it is enacted as follows: If, at any time after the promoters of the undertaking shall have entered upon any lands which under the provisions of this or the special Act, or any Act incorporated therewith, they were authorized to purchase, and which shall be permanently required for the purposes of the special Act, any party shall appear to be entitled to any estate, right, or interest in or charge affecting such lands which the promoters of the undertaking shall through mistake or inadvertence have failed or omitted duly to purchase or to pay compensation for, then, whether the period allowed for the purchase of lands shall have expired or not, the promoters of the undertaking shall remain in the undisturbed possession of such lands, provided, within six months after notice of such estate, right, interest, or charge, in case the same shall not be disputed by the promoters of the undertaking, or in case the same shall be disputed then within six months after the right thereto shall have been finally established by law in favour of the party claiming the same, the promoters of the undertaking shall purchase or pay compensation for the same, and shall also pay to such party, or to any other party who may establish a right thereto, full compensation for the mesne profits or interest which would have accrued to such parties respectively in respect thereof during the interval between the entry of the promoters of the undertaking thereon and the time of the payment of such purchase-money or compensation by the promoters of the undertaking, so far as such mesne profits or interest may be recoverable in law or equity; and such purchase-money or compensation shall be agreed on or awarded and paid in like manner as according to the provisions of this Act the same respectively would have been agreed on or awarded and paid in case the promoters of the undertaking had purchased such estate, right, interest, or charge before their entering upon such land, or as near thereto as circumstances will admit.

CXLV. In estimating the compensation to be given for any such last-mentioned lands, or any estate or interest in the same, or for any mesne profits thereof, the jury, or arbitrator, or Justices, as the case may be, shall assess the same according to what they shall find to have been the value of such lands, estate or interest, and profits, at the time such lands were entered upon by the promoters of the undertaking, and without regard to any improvements or works made in the said lands by the promoters of the undertaking, and as though the works had not been constructed.

CXLVI. In addition to the said purchase-money, compensation, or satisfaction, and before the promoters of the undertaking shall become absolutely entitled to any such estate, interest, or charge, or to have the same merged or extinguished for their benefit, they shall, when the right to any such estate, interest, or charge shall have been disputed by the company, and determined in favour of the party claiming the same, pay the full costs and expenses of any proceedings at law or in equity for the determination or recovery of the same to the parties with whom any such litigation in respect thereof shall have taken place; and such costs and expenses shall, in case the same shall be disputed, be settled by the proper officer of the court in which such litigation took place.

CXLVII. And with respect to lands acquired by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, but which shall not be required for the purposes thereof,—is enacted, as follows: Within the prescribed period, or if no period be prescribed within ten years after the expiration of the time limited by the special Act for the completion of the works, the promoters of the undertaking shall absolutely sell and dispose of all such superfluous lands, and apply the purchase-money arising from such sales to the purposes of the special Act; and in default thereof all such superfluous lands remaining unsold at the expiration of such period shall thereupon vest in and become the property of the owners of the lands adjoining thereto, in proportion to the extent of their lands respectively adjoining the same.

CXLVIII. Before the promoters of the undertaking dispose of any such superfluous lands they shall, unless such lands be situate within a town, or be lands built upon or used for building purposes, first offer to sell the same to the person then entitled to the lands (if any) from which the same were originally severed; or if such person refuse to purchase the same, or cannot after diligent inquiry be found, then the like offer shall be made to the person or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for



the purchase of such lands; and where more than one such person shall be entitled to such right of pre-emption such offer shall be made to such persons in succession, one after another, in such order as the promoters of the undertaking shall think fit.

**CXXIX.** If any such persons be desirous of purchasing such lands, then within six weeks after such offer of sale they shall signify their desire in that behalf to the promoters of the undertaking, or if they decline such offer, or if for six weeks they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease; and a declaration in writing made before a Justice by some person not interested in the matter in question, stating that such offer was made and was refused, or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of the country, or could not after diligent inquiry be found, or were not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

**CXXX.** If any person entitled to such pre-emption be desirous of purchasing any such lands, and such person and the promoters of the undertaking do not agree as to the price thereof, then such price shall be ascertained by arbitration, and the costs of such arbitration shall be in the discretion of the arbitrators.

**CXXXI.** Upon payment or tender to the promoters of the undertaking of the purchase-money so agreed upon or determined as aforesaid they shall convey such lands to the purchasers thereof by deed under the common seal of the promoters of the undertaking, if they be a corporation, or if not a corporation under the hands and seals of the promoters of the undertaking or any two of the directors or managers thereof acting by the authority of the body; and a deed so executed shall be effectual to vest the lands comprised therein in the purchaser of such lands for the estate which shall so have been purchased by him; and a receipt under such common seal, or under the hands of two of the directors or managers of the undertaking as aforesaid, shall be a sufficient discharge to the purchaser of any such lands for the purchase-money in such receipt expressed to be received.

**CXXXII.** In every conveyance of lands to be made by the promoters of the undertaking under this or the special Act the word "grant" shall operate as express covenants by the promoters of the undertaking, for themselves and their successors, or for themselves, their heirs, executors, administrators, and assigns, as the case may be, with the respective grantees therein named, and the successors, heirs, executors, administrators, and assigns of such grantees, according to the quality or nature of such grants, and of the estate or interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express words contained in any such conveyance; (that is to say,)

A covenant that, notwithstanding any act or default done by the promoters of the undertaking, they were at the time of the execution of such conveyance seised or possessed of the lands or premises thereby granted for an indefeasible estate of inheritance in fee simple, free from all incumbrances done or occasioned by them, or otherwise for such estate or interest as therein expressed to be thereby granted, free from incumbrances done or occasioned by them:

A covenant that the grantee of such lands, his heirs, successors, executors, administrators, and assigns, (as the case may be), shall quietly enjoy the same against the promoters of the undertaking, and their successors, and all other persons claiming under them, and be indemnified and saved harmless by the promoters of the undertaking and their successors from all incumbrances created by the promoters of the undertaking:

A covenant for further assurance of such lands, at the expense of such grantee, his heirs, successors, executors, administrators, or assigns (as the case may be,) by the promoters of the undertaking, or their successors, and all other persons claiming under them:

And all such grantees, and their several successors, heirs, executors, administrators, and assigns respectively, according to their respective quality or nature, and the estate or interest in such conveyance expressed to be conveyed, may in all actions brought by them assign breaches of covenants, as they might do if such covenants were expressly inserted in such conveyances.

**CXXXIII.** That if the promoters of the undertaking become possessed by virtue of this or the special Act, or any Act incorporated therewith, of any lands charged with the land tax, or liable to be assessed to the poor's rate, they shall from time to time, until the works shall be completed and assessed to such land tax or poor's rate, be liable to make good the deficiency in the several assessments for land tax and poor's rate by reason of such lands having been taken or used for the purposes of the works, and such deficiency shall be computed according to the rental at which such lands, with any building thereon, were valued or rated at the time of the passing of the special Act; and on demand of such deficiency the promoters of the undertaking, or their treasurer, shall pay all such deficiencies to the collector of the said assessments respectively; nevertheless, if at any time the promoters of the undertaking think fit to redeem such land tax, they may do so in accordance with the powers in that behalf given by the Acts for the redemption of the land tax.

**CXXXIV.** That any summons or notice, or any writ or other proceeding at law or in equity, requiring to be served upon the promoters of the undertaking, may be served by the same being left at or transmitted through the post directed to the principal office of the promoters of the undertaking, or one of the principal offices where there shall be more than one, or being given or transmitted through the post directed to the secretary, or in case there be no secretary the solicitor of the said promoters.

**CXXXV.** That if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made it shall be lawful for the defendant, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

CXXVI. And with respect to the recovery of forfeitures, penalties, and costs,—it is enacted as follows: Every penalty or forfeiture imposed by this or the special Act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two Justices; and on complaint being made to any Justice he shall issue a summons requiring the party complained against to appear before two Justices at a time and place to be named in such summons; and every such summons shall be served on the party offending either in person or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for any two Justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such Justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such Justices shall think fit.

CXXVII. If, forthwith upon any such adjudication as aforesaid, the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty, and costs shall be levied by distress, and such Justices or either of them shall issue their or his warrant of distress accordingly.

CXXVIII. Where in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty, costs, or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money and the expenses of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.

CXXIX. The Justices by whom any such penalty or forfeiture shall be imposed may, where the application thereof is not otherwise provided for, award not more than one-half thereof to the informer, and shall award the remainder to the overseers of the poor of the parish in which the offence shall have been committed to be applied in aid of the poor's rate of such parish, or if the place wherein the offence shall have been committed, shall be extra-parochial then such Justices shall direct such remainder to be applied in aid of the poor's rate of such extra-parochial place, or if there shall not be any poor's rate therein in aid of the poor's rate of any adjoining parish or district.

CXL. If any such sum shall be payable by the promoters of the undertaking, and if sufficient goods of the said promoters cannot be found whereon to levy the same, it may, if the amount thereof do not exceed 20*l.*, be recovered by distress of the goods of the treasurer of the said promoters, and the Justices aforesaid, or either of them, on application, shall issue their or his warrant accordingly; but no such distress shall issue against the goods of such treasurer unless seven days previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer or left at his residence; and if such treasurer pay any money under such distress as aforesaid he may retain the amount so paid by him, and all costs and expenses occasioned thereby, out of any money belonging to the promoters of the undertaking coming into his custody or controul, or he may sue them for the same.

CXLI. No distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

CXLII. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before a Justice, unless the complaint respecting such offence shall have been made before such Justice within six months next after the commission of such offence.

CXLIII. It shall be lawful for any Justice to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction under the provisions of this or the special Act at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath or to give evidence before such Justice, every such person shall forfeit a sum not exceeding 5*l.* for every such offence.

CXLIV. The Justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the Schedule (C.) to this Act annexed.

CXLV. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts.

CXLVI. If any party shall feel aggrieved by any determination or adjudication of any Justice with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the General Quarter Sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a Justice, conditioned duly to prosecute such appeal, and to abide the order of the Court thereon.

CXLVII. At the Quarter Sessions for which such notice shall be given the Court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and

order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

CLXVIII. Provided and enacted, That notwithstanding anything herein or in the special Act, or any Act incorporated therewith, contained, every penalty or forfeiture imposed by this or the special Act or any Act incorporated therewith, or by any bye-law in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied in the same manner as penalties or forfeitures, other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act, 2 & 3 Vict. c. 71, intituled 'An Act for regulating the Police Courts in the Metropolis,' and every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty shall be subject to the like appeal and upon the same terms as is provided in respect of any order or conviction of any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction shall have been made shall have the same power of binding over the witnesses who shall have been examined, and such witnesses shall be entitled to the same allowance of expenses as he or they would have had or been entitled to in case the order, conviction, and appeal had been made in pursuance of the provisions of the said last-mentioned Act.

CLXIX. That any person who upon any examination upon oath under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

CL. And with respect to the provision to be made for affording access to the special Act by all parties interested,—it is enacted as follows: The company shall, at all times after the expiration of six months after the passing of the special Act, keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty, or some of them; and where the undertaking shall be a railway, canal, or other like undertaking, the works of which shall not be confined to one town or place, shall also within the space of such six months deposit in the office of each of the clerks of the peace of the several counties into which the works shall extend a copy of such special Act so printed as aforesaid; and the said clerks of the peace shall receive, and they and the company respectively shall retain, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act, 7 Will. 4. & 1 Vict. c. 83, intituled 'An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

CLI. If the company shall fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the special Act, they shall forfeit 20*l.* for every such offence, and also 5*l.* for every day afterwards during which such copy shall be not so kept or deposited.

CLII. That this Act shall not extend to Scotland.

CLIII. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

## SCHEDULES referred to in the foregoing Act.

### SCHEDULE (A.)

#### *Form of Conveyance.*

I of in consideration of the Sum of paid to me [or, as the Case may be, into the Bank of England [or Bank of Ireland], in the Name and with the Privy of the Accountant General of the Court of Chancery, ex parte "The Promoters of the Undertaking" [naming them], or to A.B. of and C.D. of Two Trustees appointed to receive the same], pursuant to the [here name the special Act], by the [here Name the Company or other Promoters of the Undertaking], incorporated [or constituted] by the said Act, do hereby convey to the said Company [or other Description], their Successors and Assigns, all [describing the Premises to be conveyed], together with all Ways, Rights and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Company [or other Description], their Successors and Assigns, for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord

### SCHEDULE (B.)

#### *Form of Conveyance on Chief Rent.*

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as hereinafter mentioned, by "The Promoters of the Undertaking" [naming them], incorporated [or constituted] by virtue of the [here name the special Act], do hereby convey to the said Company [or other Description], their Successors and Assigns, all

[describing the Premises to be conveyed], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold the said Premises to the said Company [or other Description], their Successors and Assigns, for ever, according to the true Intent and Meaning of the said Act, they the said Company [or other Description], their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, one clear yearly Rent of \_\_\_\_\_ by equal quarterly [or half-yearly, as agreed upon,] Portions, henceforth, on the [stating the Days], clear of all Taxes and Deductions. In witness whereof I hereunto set my Hand and Seal, the Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

## SCHEDULE (C.)

## Form of Conviction.

to wit.

Be it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ A.B. is convicted before us C, D, Two of Her Majesty's Justices of the Peace for the County of \_\_\_\_\_ [here describe the Offence generally, and the Time and Place when and where committed], contrary to the [here name the special Act]. Given under our Hands and Seals, the Day and Year first above written.

C., D.

## CAP. XIX.

AN ACT for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature in Scotland.

(8th May 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. This Act to apply to all undertakings authorized by Acts hereafter passed.
2. Interpretations in this Act: "special Act;" "prescribed;" "the works;" "promoters of the undertaking."
3. Interpretations in this and the special Act: number; gender; "lands;" "lease;" "month;" "Lord Ordinary;" "oath;" "county;" "sheriff;" "Justices;" "two Justices;" "owner;" "the Bank."
4. Short title of the Act.
5. Form in which portions of this Act may be incorporated with other Acts.
6. Power to purchase lands by agreement.
7. Parties under disability enabled to sell and convey.
8. Parties under disability may exercise other powers.
9. Amount of compensation, in case of parties under disability, to be ascertained by valuation, and paid into the Bank.
10. Where vendor absolutely entitled lands may be sold on feu duties, &c.
11. Payment of which to be charged on tolls.
12. Power to purchase lands required for additional accommodation.
13. Authority to sell and repurchase such lands.
14. Restraint on purchase from incapacitated persons.
15. Capital to be subscribed before compulsory powers of purchase put in force.
16. A certificate of the sheriff to be evidence that the capital has been subscribed.
17. Notice of intention to take lands.
18. Service of notices on owners and occupiers of lands.
19. If parties fail to treat, or in case of dispute, question to be settled as after mentioned.
20. Disputes as to compensation may be referred to arbitration.
21. If claim does not exceed 50*l.* to be settled by the sheriff.
22. Method of proceeding for settling disputes as to compensation by sheriff.
23. Where compensation claimed exceeds 50*l.* it may be settled by arbitration if claimant so desire.
24. Appointment of arbiters when questions are to be determined by arbitration.
25. Vacancy of arbiter to be supplied.
26. Appointment of oversman.
27. Lord Ordinary empowered to appoint an oversman on neglect of the arbiters.
28. In case of death of single arbiter, the matter to begin de novo.
29. If either arbiter refuse to act, the other to proceed ex parte.
30. If arbiters fail to make their award within twenty-one days, the matter to go to the umpire.
31. Power of arbiters to call for books, &c.
32. Costs of arbitration how to be borne.

Purchase of Lands by Agreement.

Purchase of Lands otherwise than by Agreement.

*Purchase of Lands  
otherwise than by  
Agreement.*

33. Award to be delivered to the promoters of the undertaking.
34. Award not to be set aside for error in form.
35. If arbitration or award not made within a limited time, compensation to be settled by a jury.
36. Party claiming compensation may require a jury to be summoned.
37. Promoters of the undertaking to give notice before summoning a jury.
38. Petition for summoning jury to be addressed to the sheriff.
39. Jurymen to be summoned.
40. Notice of inquiry.
41. Jury to be impanelled.
42. Sheriff to preside; jury may view.
43. Penalty on jury for default.
44. Witnesses to be summoned.
45. Penalty on witnesses making default.
46. If the party make default the inquiry not to proceed.
47. Jury to be sworn.
48. Sums to be paid for purchase of lands and for damage, to be assessed separately.
49. Verdict and judgment to be recorded.
50. Expenses of the inquiry how to be borne.
51. Particulars of the expenses.
52. Payment of expenses.
53. Special jury to be summoned at the request of either party.
54. Deficiency of special jurymen.
55. Other inquiries before same special jury by consent.
56. Compensation to absent parties to be determined by a valuator, appointed by the sheriff.
57. Sheriff to nominate a valuator.
58. Declaration to be made by the valuator.
59. Valuation, &c. to be produced to the owner of the lands, on demand.
60. Expense to be borne by the promoters.
61. Purchase-money and compensation how to be estimated.
62. Compensation may be apportioned among different parties.
63. Where compensation to absent party has been determined by a valuator the party may have the same submitted to arbitration.

*Application of Com-  
pensation.*

64. Question to be submitted to the arbiters.
65. If further sum awarded, promoters to pay or deposit same within fourteen days.
66. Expenses of the arbitration.
67. Purchase-money payable to parties under disability, amounting to 200*l.*, to be deposited in the Bank.  
—Application of monies deposited.
68. Order for application, and investment meanwhile.
69. Sums from 20*l.* to 200*l.* to be deposited, or paid to trustees.
70. Sums not exceeding 20*l.* to be paid to parties.
71. All sums payable under contract with persons not absolutely entitled to be paid into the Bank.
72. Court of session may direct application of money in respect of leases or reversions as they may think just.
73. On the purchase of lands to be entailed, not necessary to insert the provisions verbatim.
74. Upon deposit being made, the owners of the lands to convey, or in default the lands to vest in the promoters of the undertaking, upon a notarial instrument being executed.
75. Where parties refuse to convey, or do not shew title, or cannot be found, the purchase-money to be deposited.
76. Upon deposit being made, a receipt to be given, and the lands to vest, upon a notarial instrument being executed.
77. Application of monies so deposited.
78. Party in possession to be deemed to be the owner.
79. Expenses in cases of money deposited.

*Conveyances.*

80. Form of conveyances.
81. Expenses of conveyances.
82. Taxation of expenses of conveyances.
83. Payment of price to be made previous to entry, except to survey, &c.
84. Promoters to be allowed to enter on lands before purchase, on making deposit by way of security and giving bond.

*Entry on Lands.*

85. Deposit to be paid into Bank, and cashier to give a receipt.
86. Deposit to remain as a security, and to be applied under the direction of the Court.
87. Penalty on the promoters of the undertaking entering upon lands without consent, before payment of the purchase-money.

*Intersected Lands.*

88. Decision of sheriff not conclusive as to the right of the promoters.
89. Proceedings in case of refusal to deliver possession of lands.
90. Parties not to be required to sell part of a house.
91. Power to owners of intersected lands to insist on sale.
92. Power of promoters of the undertaking to insist on purchase where expense of bridges, &c. exceeds the value.

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|------------------------------------|---|---|
| Common Lands.                      | { | 93. Proceedings in regard to lands in common, &c.   |
|                                    |   | 94. Meeting to appoint a committee.   |
|                                    |   | 95. Committee to agree with promoters of the undertaking.   |
|                                    |   | 96. Disputes to be settled as in other cases.   |
|                                    |   | 97. If no committee be appointed, the amount to be determined by a valuator.  |
| Lands in Mortgage.                 | { | 98. Upon payment of compensation payable to commoners, the lands to vest.   |
|                                    |   | 99. Power to redeem heritable securities.   |
|                                    |   | 100. Deposit of money on refusal to accept redemption.  |
|                                    |   | 101. Sum to be paid when security exceeds value of lands.   |
|                                    |   | 102. Deposit of money when refused on tender.   |
| Lands subject to Rent-charges.     | { | 103. Sum to be paid where part only of lands under security taken.  |
|                                    |   | 104. Deposit of money when refused on tender.   |
|                                    |   | 105. If sums secured paid off before the stipulated time, promoters to pay expenses incidental to re-investment.                  |
|                                    |   | 106. Compensation in respect of loss of interest.   |
|                                    |   | 107. Company to continue the payment of feu duties, &c.   |
| Lands subject to Leases.           | { | 108. Discharge of lands from such charge.   |
|                                    |   | 109. Discharge of part of lands from charge.  |
|                                    |   | 110. Deposit in case of refusal to discharge.   |
|                                    |   | 111. Charge to continue on lands not taken.   |
|                                    |   | 112. Where part only of lands under lease taken, the rent to be apportioned.  |
| Interests omitted to be purchased. | { | 113. Tenants to be compensated.   |
|                                    |   | 114. Compensation to be made to tenants for a year, &c.   |
|                                    |   | 115. Where greater interest claimed than from year to year the lease or missive to be produced.                                   |
|                                    |   | 116. Limit of time for compulsory purchase.   |
|                                    |   | 117. Promoters of the undertaking empowered to purchase interests in lands the purchase whereof may have been omitted by mistake. |
| Sale of superfluous Lands.         | { | 118. How value of such lands to be estimated.   |
|                                    |   | 119. Promoters of the undertaking to pay the expenses of litigation as to such lands.   |
|                                    |   | 120. Lands not wanted to be sold, or in default to vest in owners of adjoining lands.   |
|                                    |   | 121. Lands to be offered to owner of lands from which they were severed, or to adjoining owners.                                  |
|                                    |   | 122. Right of pre-emption to be claimed within six weeks.   |
| Notices.                           | { | 123. Differences as to price to be settled by arbitration.  |
|                                    |   | 124. Lands to be conveyed to the purchasers.  |
|                                    |   | 125. Effect of word "dispono" in conveyances.   |
|                                    |   | 126. Superiorities not to be affected.  |
|                                    |   | 127. Land tax and poor's rate to be made good.  |
| Recovery of Penalties.             | { | 128. Service of notices upon the promoters of the undertaking.  |
|                                    |   | 129. Tender of Amends.  |
|                                    |   | 130. Penalties to be summarily recovered before the sheriff or two Justices.  |
|                                    |   | 131. Penalties to be levied by poinding and sale.   |
|                                    |   | 132. Poinding, &c. against the treasurer.   |
| Access to special Act.             | { | 133. Poinding, &c. how to be levied.  |
|                                    |   | 134. Poinding not unlawful for want of form.  |
|                                    |   | 135. Application of penalties.  |
|                                    |   | 136. Penalties to be sued for within six months.  |
|                                    |   | 137. Form of conviction.  |
|                                    | { | 138. Proceedings not to be quashed for want of form, &c.  |
|                                    |   | 139. Power of appeal from sheriff substitute to sheriff.  |
|                                    |   | 140. Parties allowed to appeal from Justices to Quarter Sessions, on giving security.   |
|                                    |   | 141. Court to make such order as they think reasonable.   |
|                                    |   | 142. Copies of special Act to be kept and deposited, and allowed to be inspected.   |
|                                    | { | 143. Penalty on company failing to keep and deposit Act.  |
|                                    |   | 144. Act may be amended this session.   |

# By this Act,

After reciting that it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament relative to the acquisition of lands in Scotland required for undertakings or works of a public nature, and the compensation to be made for the same, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for insuring greater uniformity in the provisions themselves:—

# It is Enacted,

1. That this Act shall apply to every undertaking in Scotland authorized by any Act of Parliament which shall hereafter be passed, and which shall authorize the taking of lands for such undertaking, and this Act shall be incorporated with such Act; and all the provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

II. And with respect to the construction of this Act, and other Acts to be incorporated therewith,—it is enacted as follows: The expression “the special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed and which shall authorize the taking of lands for the undertaking to which the same relates, and with which this Act shall be so incorporated as aforesaid; and the word “prescribed” used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word shall occur shall be construed as if instead of the word “prescribed” the expression “prescribed for that purpose in the special Act” had been used; and the expression “the works” or “the undertaking” shall mean the works or undertaking, of whatever nature, which shall by the special Act be authorized to be executed; and the expression “the promoters of the undertaking” shall mean the parties, whether company, undertakers, commissioners, trustees, corporations, or private persons by the special Act empowered to execute such works or undertaking.

III. That the following words and expressions both in this and the special Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction; (that is to say),

Words importing the singular number only shall include the plural number; and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The word “Lands” shall extend to houses, lands, tenements, and heritages of any description or tenure:

The word “Lease” shall include a missive of lease:

The word “Month” shall mean calendar month:

The “Lord Ordinary” shall mean the lord ordinary of the Court of Session in Scotland officiating on the bills in time of vacation, or the junior lord ordinary, if in time of session, as the case may be:

The word “Oath” shall include affirmation in the case of Quakers, or other declaration or solemnity lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath:

The word “County” shall include any ward or other like division of a county:

The word “Sheriff” shall include the sheriff substitute:

The word “Justices” shall mean Justices of the Peace acting for the county, city, liberty, or place where the matter requiring the cognisance of any such Justice shall arise, and who shall not be interested in the matter; and where such matter shall arise in respect of lands, being the property of one and the same party, situate not wholly in any one county, city, liberty, or place, the same shall mean a Justice acting for the county, city, liberty, or place, where any part of such lands shall be situate, and who shall not be interested in such matter; and where any matter shall be authorized or required to be done by two Justices, the expression “two Justices” shall be understood to mean two or more Justices assembled and acting together:

Where, under the provisions of this or the special Act, or any Act incorporated therewith, any notice shall be required to be given to the owner of any lands, or where any Act shall be authorized or required to be done with the consent of any such owner, the word “Owner” shall be understood to mean any person or corporation, or trustees or others, who, under the provisions of this or the special Act, would be enabled to sell and convey lands to the promoters of the undertaking:

The expression “the Bank” shall mean any one of the incorporated or chartered banks in Scotland.

IV. That in citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression “The Lands Clauses Consolidation (Scotland) Act, 1845.”

And after reciting that it may be convenient in some cases to incorporate with Acts of Parliament hereafter to be passed some portion only of the provisions of this Act:—

It is Enacted,

V. That for the purpose of making any such incorporation it shall be sufficient in any such Act to enact that the clauses of this Act, with respect to the matter so proposed to be incorporated (describing such matter as it is described in this Act in the words introductory to the enactment with respect to such matter) shall be incorporated with such Act; and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

VI. And with respect to the purchase of lands by agreement,—it is enacted as follows: Subject to the provisions of this and the special Act, it shall be lawful for the promoters of the undertaking to agree with the owners of any lands by the special Act authorized to be taken, and which shall be required for the purposes of such Act, and with all parties having any right or interest in such lands, or by this or the special Act enabled to sell and convey the same, for the absolute purchase of any such lands, or such parts thereof as they shall think proper, and for the purchase of all rights and interests in such lands of what kind soever.

VII. It shall be lawful for all parties, being possessed of any lands, or any such right or interest therein, to contract for, sell, convey, and dispose of such lands, or of such right therein, to the promoters of the undertaking, and to enter into all necessary agreements for these purposes, and particularly it shall be lawful for the parties following so to do; (that is to say), all corporations, heirs of entail, life-renters, or persons holding any other partial or qualified estate or interest, married women seised in their own right or entitled to terce or dower, or any other right or interest, husbands, tutors, curators, and other guardians for infants, minors, lunatics, or idiots, fatuous or furious persons, or for persons under any other disability or incapacity, judicial factors, trustees or feoffees in trust for charitable or other purposes, executors, and administrators; and the power so to contract for, sell, convey, and dispose of as aforesaid may lawfully be exercised by all such parties, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion or expectancy after them, and as to such married women as if they were sole, and as to such tutors, curators, guardians, judicial factors, and trustees, on behalf of those for whom they respectively act, whether infants, minors,

those unborn, bankrupts, lunatics, idiots, fatuous and furious persons, married women, or other incapacitated persons, and that to the same extent as such infants, minors, bankrupts, lunatics, idiots, fatuous and furious persons, married women, and other incapacitated persons respectively could have exercised the same power under the authority of this and the special Act if they had respectively been under no disability.

VIII. The power hereinafter given to discharge any lands from feu duties or casualties of superiority, as well as every other power required to be exercised by any superior pursuant to the provisions of this or the special Act, or any Act incorporated therewith, and the power to discharge lands from any rent, payment, charge, feu duties, ground annuals, or other real burdens or incumbrances, and to agree for the apportionment of any such rent, payment, charge, feu duties, ground annuals, or other real burdens and incumbrances, shall extend to and may lawfully be exercised by every party hereinbefore enabled to contract for, sell, dispose of, or convey lands or rights or interests therein to the company.

IX. The purchase-money or compensation to be paid for any lands, or any rights or interests therein, to be purchased or taken from any party under any disability or incapacity, and not having power to sell or convey such lands, or rights or interests therein, except under the provisions of this or the special Act, and the compensation to be paid for any permanent damage or injury to any such lands, shall not, except where the same shall have been determined by the sheriff, or by the verdict of a jury, or by arbitration, or by the valuation of a valuator appointed by the sheriff under the provision hereinafter contained, be less than shall be determined by the valuation of two able practical valutors, one of whom shall be nominated by the promoters of the undertaking, and the other by the other party, and if such two valutors cannot agree in the valuation then by such third valuator as the sheriff shall, upon application of either party, after notice to the other party, for that purpose nominate; and each of such two valutors, if they agree, or if not, then the valuator nominated by the said sheriff, shall annex to the valuation a declaration in writing, subscribed by them or him, of the correctness thereof; and all such purchase-money or compensation shall be deposited in the Bank, for the benefit of the parties interested, in manner hereinafter mentioned.

X. It shall be lawful for all parties entitled to dispose of absolutely any lands authorized to be purchased for the purposes of the special Act to convey such lands or any part thereof unto the promoters of the undertaking in consideration of an annual feu duty or ground annual payable by the promoters of the undertaking.

XI. The feu duties or ground annuals stipulated by any such conveyance shall be charged on the tolls or rates, if any, payable under the special Act, and shall be otherwise secured in such manner as shall be agreed between the parties, and shall be paid by the promoters of the undertaking as such feu duties or ground annuals become payable, and if at any time the same be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such feu duties or ground annuals shall be payable may either recover the same from the promoters of the undertaking, with expenses of suit, by action in any competent court, or it shall be lawful for him to levy the same by poiding and sale of the goods and effects of the promoters of the undertaking.

XII. In case the promoters of the undertaking shall be empowered by the special Act to purchase lands for extraordinary purposes, it shall be lawful for all parties who, under the provisions hereinbefore contained, would be enabled to sell, feu, and convey lands, to sell, feu, and convey the lands so authorized to be purchased for extraordinary purposes.

XIII. It shall be lawful for the promoters of the undertaking to sell the lands which they shall have so acquired for extraordinary purposes, or any part thereof, in such manner and for such considerations and to such persons as the promoters of the undertaking may think fit, and again to purchase other lands for the like purposes, and afterwards sell the same, and so from time to time, but the total quantity of land to be held at any one time by the promoters of the undertaking for the purposes aforesaid shall not exceed the prescribed quantity.

XIV. The promoters of the undertaking shall not, by virtue of the power to purchase land for extraordinary purposes, purchase or acquire more than the prescribed quantity from any party under legal disability, or who would not be able to sell or convey such lands, except under the powers of this and the special Act; and if the promoters of the undertaking purchase or acquire the said quantity of land from any party under such legal disability, and afterwards sell or dispose of the whole or any part of the land so purchased, it shall not be lawful for any party, being under legal disability, to sell or convey to any promoters of the undertaking any other lands in lieu of the land so sold or disposed of by them.

XV. Where the undertaking is intended to be carried into effect by means of a capital to be subscribed by the promoters of the undertaking, the whole of the capital of the company or estimated sum for defraying the expenses of the undertaking shall be subscribed under contract binding the parties thereto, their heirs, executors, and administrators, for the payment of the several sums by them respectively subscribed before it shall be lawful to put in force any of the powers of this or the special Act, or any Act incorporated therewith, in relation to the compulsory taking of land for the purposes of the undertaking.

XVI. A certificate, under the hands of the sheriff, certifying that the whole of the prescribed sum has been subscribed, shall be sufficient evidence thereof; and on the application of the promoters of the undertaking, and the production of such evidence as such sheriff thinks proper and sufficient, such sheriff shall grant such certificate accordingly.

XVII. And with respect to the purchase and taking of lands otherwise than by agreement,—it is enacted as follows: When the promoters of the undertaking shall require to purchase any of the lands which by this or the special Act, or any Act incorporated therewith, they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this or the special Act to sell and convey the same, or their rights and interests therein, or such of the said parties as shall, after diligent inquiry, be known to the promoters of the undertaking, and by such notice shall demand from such parties the particulars of their interest in such lands, and of the claims made by them in respect thereof; and every such notice shall state the particulars of the land so required, and that the promoters of the undertaking are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

XVIII. All notices required to be served by the promoters of the undertaking upon the parties interested in or entitled to sell any such lands shall either be served personally on such parties, or left at their last usual place of abode, if any such can, after



diligent inquiry, be found; and in case any such parties shall be absent from the United Kingdom, or cannot be found after diligent inquiry, such notices when the same are to be given to an owner of lands shall be served on the factor or agent, if any, of such owner, and shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

**XIX.** If for twenty-one days after the service of such notice any such party shall fail to state the particulars of his claim in respect of any such land, or to treat with the promoters of the undertaking in respect thereof, or if such party and the promoters of the undertaking shall not agree as to the amount of the compensation to be paid by the promoters of the undertaking for the interest in such lands belonging to such party, or which he is by this or the special Act enabled to sell, or for any damage that may be sustained by him by reason of the execution of the works, the amount of such compensation shall be settled in the manner hereinafter provided for settling cases of disputed compensation.

**XX.** If no agreement be come to between the promoters of the undertaking and the owners of or parties by this or the special Act enabled to sell and convey any lands taken or required for or injuriously affected by the execution of the undertaking, or any interest in such lands, as to the value of such lands, or of any interest therein, or as to the compensation to be made in respect thereof, it shall be lawful for the parties to refer the same to arbitration.

**XXI.** If the compensation claimed and disputed shall not exceed 50*l.*, unless both parties agree to refer such compensation to arbitration, the same shall be settled by the sheriff.

**XXII.** It shall be lawful for the sheriff, upon the application of either party with respect to any such question of disputed compensation, to issue an order for the other party to appear before such sheriff, at a time and place to be named in the order; and upon the appearance of such parties, or in the absence of any of them upon proof of due service of the order, it shall be lawful for such sheriff to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, upon oath, without written pleadings or reducing the evidence to writing; and the expenses of every such inquiry excepting the remunerative expenses of the sheriff, shall be in the discretion of such sheriff, and he shall settle the amount thereof; and the determination of the sheriff upon such question shall be final and conclusive, and not subject to review or appeal in any form or court whatever.

**XXIII.** If the compensation claimed or offered in any case shall exceed 50*l.*, and if the party claiming such compensation desire to have the same settled by arbitration, and signify such desire to the promoters of the undertaking, before they have presented their petition to the sheriff to summon a jury in respect of such lands, under the provisions hereinafter contained, by a notice in writing, stating in such notice the nature of the interest in such lands in respect of which he claims compensation, and the amount of the compensation so claimed, and unless the promoters of the undertaking be willing to pay the amount of compensation so claimed, and shall enter into a written agreement for that purpose, then, within twenty-one days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner hereinafter provided.

**XXIV.** When any question of disputed compensation by this or the special Act, or any Act incorporated therewith, authorized or required to be settled by arbitration, shall have arisen, then, unless both parties shall concur in the appointment of a single arbiter, each party, on the request of the other party, shall nominate and appoint an arbiter, to whom such dispute shall be referred; and every appointment of an arbiter shall be made on the part of the company under the hand of the secretary or any two of the directors of the company, and on the part of any other party under the hand of such party, or if such party be a company or corporation under the hand of the proper officer or person authorized by such company or corporation, and such appointment shall be delivered to the arbiters, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matters so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbiter, such other party fail to appoint an arbiter, then upon such failure the party making the request and having himself appointed an arbiter, may appoint such arbiter to act on behalf of both parties, and such arbiter may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbiter shall be final.

**XXV.** If, before the matters so referred shall be determined, any arbiter appointed by either party die, or become incapable, the party by whom such arbiter was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbiter may proceed *ex parte*; and every arbiter so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbiter at the time of such his death or disability as aforesaid.

**XXVI.** Where more than one arbiter shall have been appointed such arbiters shall, before they enter upon the matters referred to them, nominate and appoint, by writing under their hands, an oversman to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this or the special Act; and if such oversman shall die, or become incapable to act, they shall forthwith after such death or incapacity appoint another oversman in his place; and the decision of every such oversman on the matters on which the arbiters shall differ shall be final.

**XXVII.** If in either of the cases aforesaid the said arbiters shall refuse, or shall, for seven days after request of either party to such arbitration, neglect to appoint an oversman, it shall be lawful for the Lord Ordinary on the application of either party to such arbitration, to appoint an oversman, and the decision of such oversman on the matters on which the arbiters shall differ, or which shall be referred to him under this or the special Act, shall be final.

**XXVIII.** If, when a single arbiter shall have been appointed, such arbiter shall die, or become incapable to act, before he shall have made his award, the matters referred to him shall be determined by arbitration, under the provisions of this or the special Act, in the same manner as if such arbiter had not been appointed.

XXX. If, when more than one arbiter shall have been appointed, either of the arbiters refuse or for seven days neglect to act, the other arbiter may proceed *ex parte*, and the decision of such arbiter shall be as effectual as if he had been the single arbiter appointed by both parties.

XXXI. If, where more than one arbiter shall have been appointed, and neither of them shall refuse or neglect to act as aforesaid, such arbiters shall fail to make their award within twenty-one days after the day on which the last of such arbiters shall have been appointed, or within such extended time as shall have been appointed for that purpose by both such arbiters under this Act, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

XXXII. The said arbiters or their oversman may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose, and take all evidence competent according to the law of Scotland.

XXXIII. All the expenses of any such arbitration and incident thereto, to be settled by the arbiters or oversman, as the case may be, shall be borne by the promoters of the undertaking, unless the arbiters or oversman shall award the same sum as or a less sum than shall have been offered by the promoters of the undertaking, in which case each party shall bear his own expenses incident to the arbitration; and in all cases the expenses of the arbiters or oversman, as the case may be, and of recording the decreet arbitral or award in the books of the council and session, shall be borne by the promoters of the undertaking.

XXXIV. The arbiters shall make their decreet arbitral or award in writing, and shall cause the same to be recorded in the books of council and session, or shall deliver the same to the promoters of the undertaking, to be by them so recorded, and the said promoters shall, on demand, at their own expense, furnish an extract thereof from the said books to the other party to the arbitration; and extracts of decreets arbitral or awards shall bear faith in all courts and cases the same as the original writings, unless the originals be improven.

XXXV. No award made with respect to any question referred to arbitration under the provisions of this or the special Act shall be set aside for irregularity or error in matter of form.

XXXVI. If the party claiming compensation shall not, as hereinbefore provided, signify his desire to have the question of such compensation settled by arbitration; or if, when the matter shall have been referred to arbitration, the arbiters or their umpire shall for three months have failed to make their or his award, the question of such compensation shall be settled by the verdict of a jury, as hereinafter provided.

XXXVII. But if any party entitled to any compensation in respect of any such lands or interest therein, exceeding 50*l.* as aforesaid, shall desire to have the amount of such compensation determined by a jury, it shall in like manner be lawful for him to give notice in writing to the promoters of the undertaking of such his desire, stating in such notice the nature of the interest in such lands in respect of which he claims compensation, and the amount of the compensation so claimed by him; and unless the promoters of the undertaking be willing to pay the amount of compensation so claimed, and shall enter into a written agreement for that purpose, then, within twenty-one days after the receipt of any such notice from any party so entitled, they shall, unless the question shall previously have been agreed to be settled by arbitration, present their petition to the sheriff to summon a jury for settling the same in the manner hereinafter provided, and in default thereof they shall be liable to pay to the party so entitled as aforesaid the amount of compensation so claimed, and the same may be recovered by him, with costs, by action in any competent court.

XXXVIII. Before the promoters of the undertaking shall present their petition for summoning a jury for settling any case of disputed compensation they shall give not less than ten days' notice to the other party of their intention to cause such jury to be summoned; and in such notice the promoters of the undertaking shall state what sum of money they are willing to give for the interest in such lands sought to be purchased by them from such party, and for the damage to be sustained by him by the execution of the works.

XXXIX. In every case in which any such question of disputed compensation shall be required to be determined by the verdict of a jury the promoters of the undertaking shall present their petition to the sheriff to summon a jury for that purpose; and such petition shall, if the promoters be a company or corporation, be signed by the secretary or proper officer or person authorized by such company or corporation, and if they be not a company or corporation such petition shall be signed by the promoters, or any two of them if more than one.

XL. Upon the receipt of such petition as aforesaid the sheriff shall summon a jury of twenty-five indifferent persons, duly qualified to act as common jurymen for the trial of civil causes in the court of session, to meet at a time and place to be named by the sheriff in the warrant for that purpose.

XLI. Not less than ten days' notice of the time and place of the inquiry shall be given in writing by the promoters of the undertaking to the other party, or to his known agent.

XLII. Out of the jurors appearing upon such summons a jury of thirteen persons shall be drawn by ballot; and if a sufficient number of jurymen do not appear in obedience to such summons the sheriff shall return other indifferent men, duly qualified as aforesaid, of the bystanders, or others that can speedily be procured, to make up the jury to the number aforesaid; and all parties concerned may have their lawful challenges for cause against any of the jurymen; and each party may have three peremptory challenges.

XLIII. The sheriff shall preside on the said inquiry; and the party claiming compensation shall be deemed the pursuer, and the proceedings at such trials shall be conducted in like manner as in criminal trials; and, if either party so request, the sheriff shall order the jury, or any seven or more of them, to view the place or matter in controversy.

XLIII. If any person summoned and returned upon any jury under this or the special Act, whether common or special, do not appear, or if appearing he refuse to make oath, or in any other manner unlawfully neglect his duty, he shall, unless he shew reasonable excuse to the satisfaction of the sheriff, forfeit a sum not exceeding 10*l.*; and every such penalty shall be applied in satisfaction of the costs of the inquiry, so far as the same will extend; and, in addition to the penalty hereby imposed, every such jurymen shall be subject to the same regulations, pains, and penalties as if such jury had been returned for the trial of a civil cause in the court of session.

XLIV. If either party so request in writing, the sheriff shall summon before him any person considered necessary to be examined as a witness touching the matters in question.

XLV. If any person duly summoned to give evidence upon any such inquiry, and to whom a tender of his reasonable expenses shall have been made, fail to appear at the time and place specified in the summons, without sufficient cause, or if any person, whether summoned or not, who shall appear as a witness, refuse to be examined on oath touching the subject matter in question, every person so offending shall forfeit to the party aggrieved a sum not exceeding 10*l.*, and, in addition to the penalty hereby imposed, shall be subject to the same regulations, pains, and penalties as if such witness, having been duly summoned, had failed to appear, or having appeared had refused to be examined in any other cause.

XLVI. If the party claiming compensation shall not appear at the time appointed for the inquiry such inquiry shall not be further proceeded in, but the compensation to be paid shall be such as shall be ascertained by a valuator appointed by the sheriff in manner hereinafter provided.

XLVII. Before the jury proceed to inquire of and assess the compensation or damage in respect of which their verdict is to be given they shall make oath that they will truly and faithfully inquire of and assess such compensation or damage; and the sheriff shall administer such oaths, as well as the oaths of all persons called upon to give evidence.

XLVIII. Where such inquiry shall relate to the value of lands to be purchased, and also to compensation claimed for injury done or to be done to the lands held therewith, the jury shall deliver their verdict by a majority of their number separately for the sum of money to be paid for the purchase of the lands required for the works, or of any interest therein belonging to the party with whom the question of disputed compensation shall have arisen, or which under the provisions herein contained, such party is entitled to sell or convey, and for the sum of money to be paid by way of compensation for the damage, if any, to be sustained by the owner of the lands by reason of severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such lands by the exercise of the powers of this or the special Act, or any Act incorporated therewith: Provided always, that if the parties agree to dispense with such separation the verdict may be returned for one sum.

XLIX. The sheriff before whom such inquiry shall be held shall give judgment for the purchase-money or compensation assessed by such jury; and the verdict and judgment shall be signed by the sheriff, and being so signed shall be kept by the clerk of the sheriff court among the records of that court; and such verdicts and judgments shall be deemed records, and the same or official copies thereof shall be good evidence in all courts and elsewhere; and all persons may inspect the said verdicts and judgments, and may have copies thereof or extracts therefrom on paying for each inspection thereof 1*s.* and for every one hundred words copied or extracted therefrom 6*d.*

L. On every such inquiry before a jury all the expenses of such inquiry shall be borne by the promoters of the undertaking, unless the verdict of the jury be given for the same or a less sum than the sum previously offered by the promoters of the undertaking, or unless the owner or party interested in the lands shall have failed to appear at the time and place appointed for the inquiry, having received due notice thereof, in either of which cases one half of the expenses of the promoters of the undertaking shall be defrayed by the owner of or party interested in the lands.

LI. The expenses of any such inquiry shall, in case of difference, be settled by the sheriff on the application of either party; and such expenses shall include all reasonable charges and expenses incurred in summoning, impanelling, and returning the jury, taking the inquiry, the attendance of witnesses, the employment of counsel and agents, recording the verdict and judgment thereon, and otherwise incident to such inquiry, including the remuneration to the sheriff for his time and labour, and his reasonable travelling expenses, which remuneration for time and labour, exclusive of travelling expenses, shall be five guineas and no more for any inquiry as aforesaid, whether with or without a jury, unless such inquiry shall occupy more than one day or period of eight hours, in which case there shall be paid to the sheriff a sum of five guineas for each day or period of eight hours the inquiry may occupy, including the time necessarily occupied in travelling to and from the place of trial: Provided always, that the time occupied in travelling shall not in reference to any inquiry be computed at more than two days; and in all cases of inquiry as aforesaid before the sheriff, with or without a jury, the remuneration or expenses of the sheriff shall be borne by the promoters of the undertaking.

LII. If any such costs shall be payable by the promoters of the undertaking, and if within seven days after demand such expenses be not paid to the party entitled to receive the same, they shall be recoverable by pawning and sale, and on application to the sheriff he shall issue his warrant accordingly; and if any such expenses shall be payable by the owner of the lands, or of any interest therein, the same may be deducted and retained by the promoters of the undertaking out of any money awarded by the jury to such owner or party interested, or determined by the valuation of a valuator under the provision hereinafter contained; and the payment or deposit of the remainder, if any, of such money shall be deemed payment and satisfaction of the whole thereof, or, if such expenses shall exceed the amount of the money so awarded or determined, the excess shall be recoverable by pawning and sale, and on application to the sheriff he shall issue his warrant accordingly.

LIII. If either party desire any such question of disputed compensation as aforesaid to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if coming from the other party, be given to the promoters of the undertaking before they have presented their petition to the sheriff; and for that purpose the promoters of the undertaking shall, by their petition to the sheriff, require him to nominate a special jury for such trial; and thereupon the sheriff

shall, as soon as conveniently may be after the receipt by him of such petition, summon both the parties to appear before him, by themselves or their agents, at some convenient time and place appointed by him, for the purpose of nominating a special jury (not being less than five days from the service of such summons); and at the place and time so appointed the sheriff shall proceed to nominate a special jury in the manner in which such juries shall be required by the laws for the time being in force to be nominated by the sheriff in other cases, and the sheriff shall appoint a day for the parties or their agents to appear before him to reduce the number of such jury, and thereof shall give four days' notice to the parties; and on the day so appointed the sheriff shall proceed to reduce the said special jury to the number of twenty, in the manner used and accustomed in reducing special juries in the court of session.

LIV. The special jury on such inquiry shall consist of thirteen of the said twenty who shall first appear on the names being called over, the parties having their lawful challenges against any of the said jurymen; and if a full jury do not appear, or if after such challenges a full jury do not remain, then, upon the application of either party, the sheriff shall add to the list of such jury the names of any other disinterested persons, qualified to act as special or common jurymen, who shall not have been previously struck off the aforesaid list, and who may then be attending the court, or can speedily be procured so as to complete such jury, all parties having their lawful challenges against such persons; and the sheriff shall proceed to the trial and adjudication of the matters in question by such jury; and such trial shall be attended in all respects with the like incidents and consequences, and the like penalties shall be applicable as hereinbefore provided in the case of a trial by common jury.

LV. Any other inquiry than that for the trial of which such special jury may have been struck and reduced as aforesaid may be tried by such jury, provided the parties thereto respectively shall give their consent to such trial.

LVI. The purchase-money or compensation to be paid for any lands to be purchased or taken by the promoters of the undertaking from any party who, by reason of absence from the kingdom, is prevented from treating, or who cannot after diligent inquiry be found, or who shall not appear at the time appointed for the inquiry before the jury, after due notice thereof, and the compensation to be paid for any permanent injury to such lands, shall be such as shall be determined by the valuation of such valuator as the sheriff shall nominate for that purpose, as hereinafter mentioned.

LVII. Upon application by the promoters of the undertaking to the sheriff, and upon such proof as shall be satisfactory to him that any such party is, by reason of absence from the kingdom, prevented from treating, or cannot after diligent inquiry be found, or that any such party failed to appear on such inquiry before a jury as aforesaid, after due notice to him for that purpose, such sheriff shall, by writing under his hand, nominate a valuator for determining such compensation as aforesaid, and such valuator shall determine the same accordingly, and shall annex to his valuation a declaration in writing, subscribed by him, of the correctness thereof.

LVIII. Before such valuator shall enter upon the duty of making such valuation as aforesaid he shall, in the presence of such sheriff, make and subscribe the oath following at the foot of such nomination; (that is to say,)

'I A.B. do solemnly swear, that I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute the Duty of making the Valuation hereby referred to me. So help me God. A. B.

'Sworn and subscribed in the Presence of

And if any valuator shall corruptly make such oath, or having made such oath shall wilfully act contrary thereto, he shall be guilty of and incur the pains of perjury.

LIX. The said nomination and declaration shall be annexed to the valuation to be made by such valuator, and shall be preserved together therewith, by the promoters of the undertaking, and they shall at all times produce the said valuation and other documents, on demand, to the owner of the lands comprised in such valuation, and to all other parties interested therein.

LX. All the expenses of and incident to every such valuation shall be borne by the promoters of the undertaking.

LXI. In estimating the purchase-money or compensation to be paid by the promoters of the undertaking in any of the cases aforesaid regard shall be had not only to the value of the land to be purchased or taken by the promoters of the undertaking, but also to the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such lands by the exercise of the powers of this or the special Act, or any other Act incorporated therewith.

LXII. On estimating the purchase-money or compensation to be paid by the promoters of the undertaking in any of the cases aforesaid, the sheriff, arbiters, valuator, or jury, as the case may be, shall apportion the said compensation among the parties who may be interested in the said lands as joint owners or lessees, or as holding some security or burden or claim thereon or interest therein, and who shall have been parties to the said trial or arbitration or valuation: provided always, that nothing herein contained shall prevent any person having a separate interest from having the same separately tried.

LXIII. When the compensation payable in respect of any lands, or any interest therein, shall have been ascertained by the valuation of a valuator, and deposited in the Bank under the provisions herein contained, by reason that the owner of or party entitled to convey such lands, or such interest therein as aforesaid, could not be found, or was absent from the kingdom, and if such owner or party shall be dissatisfied with such valuation, it shall be lawful for him, before he shall have applied to the court of session for payment or investment of the monies so deposited under the provisions herein contained, by notice in writing to the promoters of the undertaking, to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted to and settled by arbitration in the manner hereinbefore provided for settling disputes by arbitration.

LXIV. The question to be submitted to the arbiters in the case last aforesaid shall be, whether the said sum so deposited as aforesaid by the promoters of the undertaking was a sufficient sum, or whether any and what further sum ought to be paid or deposited by them.

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LXV. If the arbiters shall decide that a further sum ought to be paid or deposited by the promoters of the undertaking they shall pay or deposit, as the case may require, such further sum within fourteen days after the making of such decret arbitral or award, or in default thereof the same may be enforced by diligence, or recovered, with expenses, by action in any competent court.

LXVI. If the arbiters shall determine that the sum so deposited was sufficient, the expenses of and incident to such arbitration, to be determined by the arbiters, shall be in the discretion of the arbiters; but if the arbiters shall determine that a further sum ought to be paid or deposited by the promoters of the undertaking, all the expenses of and incident to the arbitration shall be borne by the promoters of the undertaking.

LXVII. And with respect to the purchase-money or compensation coming to parties having limited interests, or prevented from treating, or not making title,—it is enacted as follows: The purchase-money or compensation which shall be payable in respect of any lands, or any interest therein purchased or taken by the promoters of the undertaking from any corporation, heir of entail, life-renter, married woman seised in her own right or entitled to terce or dower, or any other right or interest, husband, tutors, curators, or other guardians for any infant, minor, lunatic, or idiot, fatuous or furious person, or for any person under any other disability or incapacity, judicial factor, trustee, executor, or administrator, or person having a partial or qualified interest only in such lands, and not entitled to sell or convey the same, except under the provisions of this or the special Act, or the compensation to be paid for any permanent damage to any such lands, shall, if it amount to or exceed the sum of 200*l.*, the same shall be paid into the Bank, to the intent that such monies shall be applied, under the authority of the court of session, to some one or more of the following purposes; (that is to say,)

In the purchase or redemption of the land tax, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith on the same heirs, or for the same trusts or purposes, or affecting succeeding heirs of entail in any such lands, whether imposed and constituted by the entailor, or in virtue of powers given by the entail, or in virtue of powers conferred by any Act of Parliament.

In the purchase of other lands to be conveyed, limited, and settled upon the same heirs, and the like trusts and purposes, and in the same manner, as the lands in respect of which such money shall have been paid stood settled; or

If such monies shall be paid in respect of any buildings taken under the authority of this or the special Act, or injured by the proximity of the works, or in removing or replacing such buildings, or substituting others in their stead, in such manner as the said court shall direct; or

In payment to any party becoming absolutely entitled to such money.

LXVIII. Such money may be so applied as aforesaid upon an order of the court of session, made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied it shall be retained in the Bank at interest, or shall be laid out and invested in the public funds or in heritable securities, and the interest, dividends, and annual proceeds thereof shall from time to time, under the like order, be paid to the party who would for the time being have been entitled to the rents and profits of the lands.

LXIX. If such purchase-money or compensation shall not amount to the sum of 200*l.*, and shall exceed the sum of 20*l.*, the same shall either be paid into the Bank, and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding 200*l.*, or the same may lawfully be paid to two trustees, to be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the parties so entitled; and in case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such monies, such nomination may lawfully be made by their respective husbands, guardians, tutors, curators, judicial factors, or trustees; but such last-mentioned application of the monies shall not be made unless the promoters of the undertaking approve thereof, and of the trustees named for the purpose; and the money so paid to such trustees, and the produce arising therefrom, shall, at the expense of the promoters of the undertaking, be by such trustees applied in the manner hereinbefore directed with respect to money paid into the Bank, but it shall not be necessary to obtain any order of court for that purpose.

LXX. If such money shall not exceed the sum of 20*l.* the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable, for their own use and benefit; or in case of the coverture, infancy, idiotcy, lunacy, or other incapacity of any such parties, then such money shall be paid, for their use, to the respective husbands, guardians, tutors, curators, judicial factors, or trustees of such persons.

LXXI. All sums of money exceeding 20*l.* which may be payable by the promoters of the undertaking, in respect of the taking, using, or interfering with any lands under a contract or agreement with any person who shall not be entitled to dispose of such lands, or of the interest therein contracted to be sold by him, absolutely for his own benefit, shall be paid into the Bank or to trustees in manner aforesaid; and it shall not be lawful for any contracting party, not entitled as aforesaid, to retain to his own use any portion of the sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such lands, or for assenting to or not opposing the passing of the bill authorizing the taking of such lands, or in lieu of bridges, tunnels, or other accommodation works, but all such monies shall be deemed to have been contracted to be paid for and on account of the several parties interested in such lands, as well in possession as in succession or expectancy: Provided always, that it shall be in the discretion of the court of session or the said trustees, as the case may be, to allot to any life-renter or person holding for any other partial or qualified right or interest, for his own use, a portion of the sum so paid into the Bank or to such trustees as aforesaid as compensation for any injury, inconvenience, or annoyance which he may be considered to sustain, independently of the actual value of the lands to be taken, and of the damage occasioned to the lands held therewith by reason of the taking of such lands and the making of the works.

LXXII. Where any purchase-money or compensation paid into the Bank under the provisions of this or the special Act shall have been paid in respect of any lease for lives or years, or any right or interest in lands less than the fee thereof, or any reversion dependent on any such lease, or right or interest, it shall be lawful for the court of session, on the petition

any party interested in such money, to order that the same shall be laid out, invested, accumulated, and paid in such manner as the said court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, right, interest, or reversion in respect of which such money shall have been paid, or as near thereto as may be.

LXXXI. If such money shall be laid out and invested in the purchase of lands to be held under entail, or under uses, trusts, intents, and purposes, it shall not be necessary to ingross verbatim in the titles to such new lands the provisions of the entail or other investiture of the said old lands, or to mention specifically the uses, trusts, intents, and purposes for and upon which the said new lands are to be held, but it shall be sufficient to state the dates of executing and recording the deed or deeds containing the provisions and conditions subject to which, or the uses, trusts, intents, and purposes to, for, and upon which, the said old lands were held, and to declare that the said new lands shall be held subject to the same provisions and conditions, and to, for, and upon the like uses, trusts, intents, and purposes, and to record the title-deed containing such general reference in the register of tailzies, sasines, or other proper record, according to the nature of such title-deed, which the keepers of the said registers are hereby authorized and required to do without a special order to that effect: Provided always, that upon the first occasion of completing titles to the said entailed estates the lands acquired to the estate may be introduced into the titles then completed, after which they shall descend regularly as part and portion of the entailed estates.

LXXIV. Upon deposit in the Bank in manner hereinbefore provided of the purchase-money or compensation agreed or awarded to be paid in respect of any lands purchased or taken by the promoters of the undertaking, under the provisions of this or the special Act, or any Act incorporated therewith, the owner of such lands, including in such term all parties by this Act enabled to sell or convey lands, shall, when required so to do by the promoters of the undertaking, duly convey such lands to the promoters of the undertaking, or as they shall direct; and in default thereof, or if he fail to adduce a good title to such lands, it shall be lawful for the promoters of the undertaking, if they think fit, to expedite an instrument under the hands of a notary public, containing a description of the lands in respect of which such default shall be made, and reciting the purchase or taking thereof by the promoters of the undertaking, and the names of the parties from whom the same were purchased or taken, and the deposit made in respect thereof, and declaring the fact of such default having been made; and such instrument shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein; and thereupon all the estate and interest in such lands of or capable of being sold and conveyed by the party between whom and the promoters of the undertaking such agreement shall have been come to, or as between whom and the promoters of the undertaking such purchase-money or compensation shall have been determined by the sheriff, by a jury, or by arbiters, or by a valuation appointed by the sheriff, as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the promoters of the undertaking; and as against such parties, and all parties on behalf of whom they are hereinbefore enabled to sell and convey, the promoters of the undertaking shall be entitled to immediate possession of such lands; and such instrument, being registered in the register of sasines in manner hereinafter provided in regard to conveyances of lands, shall have the same effect as a conveyance so registered.

LXXV. If the owner of any such lands purchased or taken by the promoters of the undertaking, or of any interest therein, on tender of the purchase-money or compensation either agreed or awarded to be paid in respect thereof, refuse to accept the same, or neglect or fail to make out a title to such lands, or to the interest therein claimed by him, to the satisfaction of the promoters of the undertaking, or if he refuse or is unable validly to convey such lands as directed by the promoters of the undertaking, or to discharge or obtain a discharge of any burden or incumbrance thereon which was not specially excepted from discharge, or if any such owner be absent from the kingdom, or cannot after diligent inquiry be found, or fail to appear, on the inquiry before a jury, as herein provided for, it shall be lawful for the promoters of the undertaking to deposit the purchase-money or compensation payable in respect of such lands or any interest therein in the Bank, to be placed, except in the cases herein otherwise provided for, to an account to be opened in the name of the parties interested in such lands (describing them, so far as the promoters of the undertaking can do), subject to the controul and disposition of the court of session.

LXXVI. Upon any such deposit of money as last aforesaid being made, the cashier or other proper officer of such Bank shall give to the promoters of the undertaking, or to the party paying in such money by their direction, a receipt for such money, specifying therein for what and for whose use (described as aforesaid) the same shall have been received, and in respect of what purchase the same shall have been paid in; and it shall be lawful for the promoters of the undertaking, if they think fit, to expedite an instrument under the hands of a notary public, containing a description of the lands in respect whereof such deposit shall have been made, and declaring the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such instrument shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein; and thereupon all the estate and interest in such lands of the parties for whose use and in respect whereof such purchase-money or compensation shall have been deposited shall vest absolutely in the promoters of the undertaking, and as against such parties they shall be entitled to immediate possession of such lands; and such instrument being registered in the register of sasines in manner hereinafter directed in regard to conveyances of lands, shall have the same effect as a conveyance so registered.

LXXVII. Upon the application by petition of any party making claim to the money so deposited as last aforesaid, or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said court of session may, in a summary way, as to such court shall seem fit, order such money to be laid out or invested in the public funds, or on heritable securities, or may order distribution thereof, or payment of the dividends thereof, according to the respective estates, titles, or interests of the parties making claim to such money or lands, or any part thereof, and may make such other order in the premises as to such court shall seem fit.

LXXVIII. If any question arise respecting the title to the lands in respect whereof such monies shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands, as being the owners thereof, at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shewn to

the satisfaction of the court; and unless the contrary be shewn as aforesaid the parties so in possession, and all parties claiming under them, or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividends or interest of the annuities or securities purchased therewith, and the same shall be paid and applied accordingly.

LXXIX. In all cases of monies deposited in the Bank under the provisions of this or the special Act, or any Act incorporated therewith, except where such monies shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to feu or convey the lands in respect whereof the same shall be payable, or by reason of his refusal or inability to discharge or obtain a discharge of any burden on such lands which was not specially excepted from discharge, or by reason of the failure or neglect of any party to make out a good title to the land required, it shall be lawful for the court of session to order the expenses of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the promoters of the undertaking (that is to say), the expense of the purchase or taking of the lands, or which shall have been incurred in consequence thereof, other than such expenses as are herein otherwise provided for, and the expense of the investment of such monies in government or real securities, and of the re-investment thereof in the purchase of other lands, and of re-entailing any of such lands, and incident thereto, and also the expense of obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such monies shall be invested, and for the payment of the principal of such monies, or of the securities whereon the same shall be invested, and of all proceedings relating thereto, except such as are occasioned by litigation between adverse claimants: Provided always, that the expense of one application only for re-investment in land shall be allowed, unless it shall appear to the court of session that it is for the benefit of the parties interested in the said monies that the same should be invested in the purchase of lands in different sums and at different times, in which case it shall be lawful for the court, if it think fit, to order the expenses of any such investments to be paid by the promoters of the undertaking.

LXXX. And with respect to the conveyances of lands,—it is enacted as follows: Feus and conveyances of lands so to be purchased as aforesaid may be according to the form in the Schedules (A.) and (B.) respectively to this Act annexed, or as near thereto as the circumstances of the case will admit; which feus and conveyances, being duly executed, and being registered in the particular register of sasines kept for the county, burgh, or district in which the lands are locally situated, or in the general register of sasines for Scotland kept at Edinburgh, within sixty days from the last date thereof, which the respective keepers of the said registers are hereby authorized and required to do, shall give and constitute a good and undoubted right and complete and valid feudal title in all time coming to the promoters of the undertaking, and their successors and assigns, to the premises therein described, any law or custom to the contrary notwithstanding: Provided always, that it shall not be necessary for the promoters of the undertaking to record in any register of sasines any feus or conveyances in their favour which shall contain a procuratory of resignation or precept of sasine, or which may be completed by infestment; and the title of the company under such last-mentioned feus or conveyances shall be regulated by the ordinary law of Scotland, until the said feus or conveyances, or the instruments of sasine thereon, shall have been recorded in a register of sasines.

LXXXI. The expenses of all conveyances of lands shall be borne by the promoters of the undertaking; and such expenses shall include all charges and expenses, incurred on the part as well of the seller as of the purchaser, of all conveyances of any such lands, and of any interests therein, and of establishing the title to such lands, and all other reasonable expenses incident to the investigation of such title.

LXXXII. If the promoters of the undertaking and the party entitled to any such expenses shall not agree as to the amount thereof, such amount shall be ascertained and decreed for by the Lord Ordinary, on a summary petition presented to him by the party entitled to recover the same; and the promoters of the undertaking shall pay to the party entitled thereto what the said Lord Ordinary shall decree for or in respect of such expenses, or in default thereof the same may be recovered in the same way as any other expenses payable under an order or decree of the court, or the same may be recovered by poinding and sale in the manner hereinbefore provided in other cases of expenses; and the expense of taxing such expenses shall be borne by the promoters of the undertaking, unless upon such taxation one-sixth part of the amount of such expenses shall be disallowed, in which case the expenses of such taxation, and of or incident to the application to the Lord Ordinary, shall be borne by the party whose expenses shall be so taxed, and the amount thereof shall be ascertained by the said Lord Ordinary, and deducted by him accordingly in his judgment or decerniture.

LXXXIII. And with respect to the entry upon lands by the promoters of the undertaking,—it is enacted as follows: The promoters of the undertaking shall not, except by consent of the owners and occupiers, enter upon any lands which shall be required to be purchased or permanently used for the purposes and under the powers of this or the special Act, until they shall either have paid to every party having any interest in such lands, or deposited in the Bank in the manner herein mentioned, the purchase-money or compensation agreed or awarded to be paid to such parties respectively for their respective interests therein: Provided always, that for the purpose merely of surveying and taking levels of such lands, and of probing or boring to ascertain the nature of the soil, and of setting out the line of the works, it shall be lawful for the promoters of the undertaking, after giving not less than three nor more than fourteen days' notice to the owners or occupiers thereof, to enter upon such lands without previous consent, making compensation for any damage thereby occasioned to the owners or occupiers thereof.

LXXXIV. Provided, that if the promoters of the undertaking shall be desirous of entering upon and using any such land before an agreement shall have been come to, or an award made or verdict given, for the purchase-money or compensation to be paid by them in respect of such lands, it shall be lawful for the promoters of the undertaking to deposit in the Bank, by way of security, as hereinafter mentioned, either the amount of purchase-money or compensation claimed by any party interested in or entitled to sell and convey such lands, and who shall not consent to such entry, or such a sum as shall be valued, appointed by the sheriff in the manner hereinbefore provided in the case of parties who cannot be found, be determined to be the value of such lands, or of the interest therein which such party is entitled to, or enabled to sell and convey, and also, if required so to do, to give to such party a bond, under the hand of the secretary or proper officer or person authorized, if the promoters be a company or corporation, or if they be not a company or corporation under the hand of the pr

notes, or any two of them if more than one, with two sufficient securities, to be approved of by the sheriff in case the parties differ, for a sum equal to the sum so to be deposited, for payment to such party, or for making a deposit in the Bank for the benefit of the parties interested in such lands, as the case may require, under the provisions herein contained, of all such purchase-money or compensation as may in manner hereinbefore provided be determined to be payable by the promoters of the undertaking in respect of the lands so entered upon, together with interest thereon at the rate of 5*l.* per centum per annum from the time of entering on such lands until such purchase-money or compensation shall be paid to such party, or deposited in the Bank for the benefit of the parties interested in such lands, under the provisions herein contained; and upon such deposit by way of security being made as aforesaid, and such bond being delivered or tendered to such non-consenting party as aforesaid, it shall be lawful for the promoters of the undertaking to enter upon and use such lands, without having first paid or deposited the purchase-money or compensation in other cases required to be paid or deposited by them before entering upon any lands to be taken by them under the provisions of this or the special Act.

XXXV. The money so to be deposited as last aforesaid shall be paid into the Bank, to be placed to an account to be opened in the name of the parties interested in or entitled to sell and convey the lands so to be entered upon, and who shall not have consented to such entry, subject to the controul and disposition of the court of session; and upon such deposit being made the cashier or other proper officer of the Bank shall give to the promoters of the undertaking, or to the party paying in such money by their direction, a receipt for such money, specifying therein for what purpose and to whose credit the same shall have been paid in.

XXXVI. The money so deposited as last aforesaid shall remain in the Bank by way of security to the parties whose lands shall so have been entered upon for the performance of the bond to be given by the promoters of the undertaking, as hereinbefore mentioned, and the same may, on the application by petition of the promoters of the undertaking, be ordered to be invested in the public funds or upon heritable securities, and accumulated; and upon the conditions of such bond being fully performed it shall be lawful for the court of session, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the promoters of the undertaking, or, if such conditions shall not be fully performed, it shall be lawful for the said court to order the same to be applied in such manner as it shall think fit for the benefit of the parties for whose security the same shall so have been deposited.

XXXVII. If the promoters of the undertaking or any of their contractors shall, except as aforesaid, wilfully enter upon and take possession of any lands which shall be required to be purchased or permanently used for the purposes of the special Act, without such consent as aforesaid, or without having made such payment for the benefit of the parties interested in the lands, or such deposit by way of security as aforesaid, the promoters of the undertaking shall forfeit to the party in possession of such lands the sum of 10*l.* over and above the amount of any damage done to such lands by reason of such entry and taking possession as aforesaid, such penalty and damage respectively to be recovered before the sheriff; and if the promoters of the undertaking or their contractors shall, after conviction in such penalty as aforesaid, continue in unlawful possession of any such lands, the promoters of the undertaking shall be liable to forfeit the sum of 25*l.* for every day they or their contractors shall so remain in possession as aforesaid, such penalty to be recoverable by the party in possession of such lands, with expenses, by action in any competent court: Provided always, that nothing herein contained shall be held to subject the promoters of the undertaking to the payment of any such penalties as aforesaid, if they shall *bond fide* and without collusion have paid the compensation agreed or awarded to be paid in respect of the said lands to any person whom the promoters of the undertaking may have reasonably believed to be entitled thereto, or shall have deposited the same in the Bank for the benefit of the parties interested in the lands, or made such deposit by way of security in respect thereof as hereinbefore mentioned, although such person may not have been legally entitled thereto.

XXXVIII. On the trial of any action for any such penalty as aforesaid the decision of the sheriff, under the provision hereinbefore contained, shall not be held conclusive as to the right of entry on any such lands by the promoters of the undertaking.

XXXIX. If in any case in which, according to the provisions of this or the special Act, or any Act incorporated therewith, the promoters of the undertaking are authorized to enter upon and take possession of any lands required for the purposes of the undertaking, the owner or occupier of any such lands, or any other person, refuse to give up the possession thereof, or hinder the promoters of the undertaking from entering upon or taking possession of the same, it shall be lawful for the promoters of the undertaking to apply by petition to the sheriff for possession of the same, and upon such application the sheriff may authorize and order possession of any such lands accordingly; and the expenses accruing by reason of such application, to be settled and decreed for by the sheriff, shall be paid by the person wrongfully refusing to give or hindering possession; and the amount of such expenses shall be deducted and retained by the promoters of the undertaking from the compensation, if any, then payable by them to such party; or if no such compensation be payable to such party, or if the same be less than the amount of such expenses, then such expenses, or the excess thereof beyond such compensation, if not paid on demand, may be levied by pouncing and sale, and the sheriff may issue his warrant accordingly.

xc. That no party shall at any time be required to sell or convey to the promoters of the undertaking a part only of any house or other building or manufactory, if such party be willing and able to sell and convey the whole thereof.

xcI. And with respect to small portions of intersected land,—it is enacted as follows: If any lands, not being situate in a town or built upon, shall be so cut through and divided by the works as to leave, either on both sides or on one side thereof, a less quantity of land than half a statute acre, and if the owner of such small parcel of land require the promoters of the undertaking to purchase the same along with the other land required for the purposes of the special Act, the promoters of the undertaking shall purchase the same accordingly, unless the owner thereof have other land adjoining to that so left into which the same can be thrown; and if such owner have any other land so adjoining, the promoters of the undertaking shall,



if so required by the owner, at their own expense, throw the piece of land so left into such adjoining land, by removing the fences and levelling the sites thereof, and by soiling the same in a sufficient and workmanlike manner.

XCII. If any such land shall be so cut through and divided as to leave on either side of the works a piece of land of less extent than half a statute acre, or of less value than the expense of making a bridge, culvert, or such other communication between the land so divided as the promoters of the undertaking are, under the provisions of this or the special Act, or any Act incorporated therewith, compellable to make, and if the owner of such lands have not other lands adjoining such piece of land, and require the promoters of the undertaking to make such communication, then the promoters of the undertaking may require such owner to sell to them such piece of land; and any dispute as to the value of such piece of land, or as to what would be the expense of making such communication, shall be ascertained as herein provided for cases of disputed compensation; and on the occasion of ascertaining the value of the land required to be taken for the purposes of the works, the sheriff, or the jury, or the arbiters, as the case may be, shall, if required by either party, ascertain by their verdict or award the value of any such severed piece of land, and also what would be the expense of making such communication.

XCIII. And with respect to such lands as shall be of the nature of common, it is enacted as follows: The promoters of the undertaking may convene a meeting of the parties entitled to any rights of property or servitude, or other rights, in or over such lands, to be held at some convenient place in the neighbourhood of the lands, for the purpose of their appointing a committee to treat with the promoters of the undertaking for the compensation to be paid for the extinction of such rights; and every such meeting shall be called by public advertisement, to be inserted once at least in two consecutive weeks in some newspaper circulating in the county or in the respective counties and in the neighbourhood in which such lands shall be situate, the last of such insertions being not more than fourteen nor less than seven days prior to any such meeting; and notice of such meeting shall also, not less than seven days previous to the holding thereof, be affixed upon the door of the church of the parish where such meeting is intended to be held, or, if there be no such church, some other place in the neighbourhood to which notices are usually affixed; and if such lands be part of a barony a like notice shall be given to the superior or baron.

XCIV. The meeting so called may appoint a committee, not exceeding five in number, of the parties entitled to any such rights; and at such meeting the decision of the majority of the persons entitled to such rights present shall bind the minority and all absent parties; but such meeting shall not be effectual for the purpose unless five at least of the parties entitled attend the same, if there be so many as five in all of the parties entitled to such rights.

XCV. It shall be lawful for the committee so chosen to enter into an agreement with the promoters of the undertaking for the compensation to be paid for the extinction of such rights, and all matters relating thereto, for and on behalf of themselves and all other parties interested therein, and all such parties shall be bound by such agreement, and it shall be lawful for such committee to receive the compensation so agreed to be paid; and the receipt of such committee, or of any three of them, for such compensation, shall be an effectual discharge for the same; and such compensation, when received, shall be apportioned by the committee among the several persons interested therein, according to their respective interests; but the promoters of the undertaking shall not be bound to see to the apportionment or to the application of such compensation, nor shall they be liable for the mis-application or non-application thereof.

XCVI. If upon such committee being appointed they shall fail to agree with the promoters of the undertaking as to the amount of the compensation to be paid as aforesaid, the same shall be determined as in other cases of disputed compensation, the said committee being deemed and held to be the proprietors of the said rights, with reference to all proceedings for ascertaining the value thereof.

XCVII. If, upon being duly convened by the promoters of the undertaking, no effectual meeting of the parties entitled to such rights shall take place, or if, taking place, such meeting fail to appoint such committee, the amount of such compensation shall be determined by a valuator, to be appointed by the sheriff as hereinbefore provided in the case of parties who cannot be found.

XCVIII. Upon payment or tender to such committee, or any three of them, or if there shall be no such committee, then upon deposit in the Bank in the manner provided in the like case of the compensation which shall have been agreed upon or determined in respect of such rights, and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a disposition, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them, and thereupon the lands in respect of which such compensation shall have been so paid or deposited shall vest in the promoters of the undertaking freed and discharged from all such rights, and they shall be entitled to immediate possession thereof; and it shall be lawful for the court of session, by an order made upon petition, to order payment of the money so deposited as aforesaid, and to make such other order in respect thereto, for the benefit of the parties interested, as it shall think fit.

XCIX. And with respect to lands subject to any security by real lien, wadset, heritable bond, redeemable bond of annuity, or other right in security, it is enacted as follows: It shall be lawful for the promoters of the undertaking to purchase or redeem the interest of any holder of any security upon such lands the whole or part of which may be required for the purposes of the special Act, and that whether such promoters shall have previously purchased the right to such lands under burden of the security thereon or not, and whether the holder of such security be entitled thereto in his own right or in trust for any other party, and whether he be in possession of such lands by virtue of such security or not, and whether such security affect such lands solely, or jointly with any other lands not required for the purposes of the special Act; and in order thereto the promoters of the undertaking may pay or tender to the holder of such security the principal and interest due on such security, together with his expenses and charges, if any, and also six months' additional interest, and thereupon such holder shall immediately convey his interest in the lands comprised in such security to the promoters of the undertaking, or as they shall direct; or the promoters of the undertaking may give notice in writing to such holder that they will pay off the principal and interest due on such security at the end of six months, computed from the day of giving such notice; and if they shall have given any such notice, or if the party entitled to the lands under burden of such security shall have given six months' notice of his intention to redeem the same, then, at the expiration of either of such notices, or at any intermediate period, upon payment or tender by

the promoters of the undertaking to the holder of such security of the principal money thereon due, and the interest which would become due at the end of six months from the time of giving either of such notices, together with his expenses and charges, if any, such holder shall convey or discharge his interest in the lands comprised in such security to the promoters of the undertaking, or as they shall direct.

c. If, in either of the cases aforesaid, upon such payment or tender, any holder of such securities shall fail to convey or discharge his interest therein as directed by the promoters of the undertaking, or if he fail to adduce a good title thereto, then it shall be lawful for the promoters of the undertaking to deposit in the Bank, in the manner provided by this Act in like cases, the principal and interest, together with the expenses, if any, due on such security, and also, if such payment be made before the expiration of six months' notice as aforesaid, such further interest as would at that time become due; and it shall be lawful for them, if they think fit, to expedite an instrument under the hands of a notary public, duly stamped, and to register the same in the manner hereinbefore provided in the case of the purchase of lands by them; and thereupon, as well as upon such conveyance by the holder of the security, if any such be made, all the estate and interest of such holder, and of all persons in trust for him, or for whom he may be a trustee, in such lands, shall vest in the promoters of the undertaking, and they shall be entitled to immediate possession thereof in case such holder were himself entitled to such possession.

cl. If any such lands subject to such security as aforesaid shall be of less value than the principal, interest, and expenses secured thereon, the value of such lands, or the compensation to be made by the promoters of the undertaking in respect thereof, shall be settled by agreement between the holder of such security and the party claiming or entitled to the lands under burden on the one part, and the promoters of the undertaking on the other part; and if the parties aforesaid fail to agree respecting the amount of such value or compensation the same shall be determined as in other cases of disputed compensation; and the amount of such value or compensation, being so agreed upon or determined, shall be paid by the promoters of the undertaking to the holder of the security, in satisfaction of his claim, so far as the same will extend; and upon payment or tender thereof such holder shall, at the expense of the promoters of the undertaking, dispoise and assign his debt, so far as paid, and his security, and all his interest in such lands, to the promoters of the undertaking, or as they shall direct, and thereupon the party claiming or entitled to the said lands under burden of the security shall cease to be interested in or have any right thereto, or to any part thereof.

cII. If upon such payment or tender as aforesaid being made any holder of such security fail so to convey his interest therein, or to adduce a good title thereto to the promoters of the undertaking, it shall be lawful for them to deposit the amount of such value or compensation in the Bank in the manner provided by this Act in like cases; and every such payment or deposit shall be accepted by the holder of the security in satisfaction of his claim, so far as the same will extend, and shall be a full discharge of the lands from all money due thereon; and it shall be lawful for the promoters of the undertaking to expedite an instrument under the hands of a notary public, duly stamped, and to register the same in the manner hereinbefore provided in the case of the purchase of lands by them; and thereupon such lands, as to all such right and interest as were then vested in the holder of the security, or any person in trust for him, or in the party claiming or entitled to the lands under burden of the security, shall become absolutely vested in the promoters of the undertaking, and they shall be entitled to immediate possession thereof; nevertheless, all rights and remedies possessed by the holder of such security for recovering payment of his debt, or the residue thereof, (as the case may be,) or the interest thereof respectively, and all expenses, shall remain in force as a claim against the grantor of such security, and against all other parties bound for the same, but not as a claim on the said lands, or against the promoters of the undertaking.

cIII. If a part only of any such lands subject to any security as aforesaid be required for the purposes of the special Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the holder of the security shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to discharge the part so required, and if the promoters of the undertaking be unwilling to advance the debt on an assignment thereto, then the value of such part, and also the compensation (if any) to be paid in respect of the severance thereof, or otherwise, shall be settled by agreement between the holder of the security and the party entitled to the land under burden of the security on the one part, and the promoters of the undertaking on the other; and if the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed compensation; and the amount of such value or compensation, being so agreed upon or determined, shall be paid by the promoters of the undertaking to the holder of the security, in satisfaction of his debt, so far as the same will extend, and thereupon such holder shall convey or discharge to them, or as they shall direct, all his interest in such lands the value whereof shall have been so paid, and the party claiming or entitled to the said lands under burden of the security shall cease to be interested in or have any right thereto or to any part thereof; and a memorandum of what shall have been so paid shall be indorsed on the deed or instrument creating such security, and shall be signed by the holder thereof; and a copy of such memorandum shall at the same time (if required) be furnished by the promoters of the undertaking, at their expense, to the party entitled to the lands under burden of the security.

cIV. If upon payment or tender to any holder of such security of the amount of the value or compensation so agreed upon or determined such holder shall fail to convey or discharge to the promoters of the undertaking, or as they shall direct, his interest in the lands in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce good title thereto, it shall be lawful for the promoters of the undertaking to pay the amount of such value or compensation to the Bank in the manner provided by this Act in the case of monies required to be deposited in such Bank; and such payment or deposit shall be accepted by the holder of such security in satisfaction of his claim, so far as the same will extend, and shall be a full discharge of the portion of the lands so required from all money due thereon, and shall bar the claim of the party claiming or entitled to the said lands under burden of the security; and it shall be lawful for the promoters of the undertaking, if they think fit, to expedite an instrument under the hands of a notary public, duly stamped, and to register the same in the manner hereinbefore provided in the case of the purchase of lands by them, and thereupon such lands shall become absolutely vested in the promoters of the undertaking, as to all such right and interest as were then vested in the

holder of such security, or any person in trust for him, and in case such holder were himself entitled to such possession they shall be entitled to immediate possession thereof; nevertheless, every such holder shall have the same powers and remedies for recovering or compelling payment of his claim, or the residue thereof, (as the case may be,) and the interest thereof respectively, upon and out of the residue of the lands subject to such security, or the portion thereof not required for the purposes of the special Act, as he would otherwise have had or been entitled to for recovering or compelling payment thereof upon or out of the whole of the lands originally comprised in such security.

CV. Provided always, That in any of the cases hereinbefore provided with respect to lands subject to securities, if in the deed or instrument creating the same a time shall have been limited within which the holder of the security shall not be obliged to receive payment of the principal money thereby secured, and under the provisions hereinbefore contained the holder of the security shall have been required to accept payment of his claim, or of part thereof, at a time earlier than the time so limited, the promoters of the undertaking shall pay to the holders of the security, in addition to the sum which shall have been so paid off, all such expenses as shall be incurred by him in respect of or which shall be incidental to the re-investment of the sum so paid off; such expenses, in case of difference, to be taxed, and payment thereof enforced, in the manner herein provided with respect to the expenses of conveyances.

CVI. If the rate of interest secured by such deed be higher than at the time of the same being so paid off can reasonably be expected to be obtained on re-investing the same, regard being had to the then current rate of interest, the holder of such security shall be entitled to receive from the promoters of the undertaking, in addition to the principal and interest hereinbefore provided for, compensation in respect of the loss to be sustained by him by reason of his claim being so prematurely paid off, the amount of such compensation to be ascertained, in case of difference, as in other cases of disputed compensation; and until payment or tender of such compensation as aforesaid the promoters of the undertaking shall not be entitled, as against such holder, to possession of the lands under the provision hereinbefore contained.

CVII. And with respect to any lands which shall be charged with any feu duty, ground annual, casualty of superiority, or any rent or other annual or recurring payment or incumbrance not hereinbefore provided for,—it is enacted as follows: It shall be lawful for the promoters of the undertaking to enter upon and continue in possession of such lands, without redeeming the charges thereon, provided they pay the amount of such annual or recurring payment when due, and otherwise fulfil all obligations accordingly, and provided they shall not be called upon by the party entitled to the charge to redeem the same.

CVIII. If any difference shall arise between the promoters of the undertaking and the party entitled to any such charge upon any lands required to be taken for the purposes of the special Act, respecting the consideration to be paid for the discharge of such lands therefrom, or from the portion thereof affecting the lands required for the purposes of the special Act, the same shall be determined as in other cases of disputed compensation.

CIX. If part only of the lands charged with any such feu duty, ground annual, casualty of superiority, or any rent, payment, or incumbrance, be required to be taken for the purposes of the special Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement the same shall be settled by the sheriff; but if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to discharge therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

CX. Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the promoters of the undertaking a discharge thereof; and if he fail so to do, or if he fail to adduce a good title to such charge, it shall be lawful for them to deposit the amount of such compensation in the Bank in the manner hereinbefore provided in like cases; and also, if they think fit, to expedite an instrument under the hands of a notary public, duly stamped, and to register the same in the manner hereinbefore provided in the case of the purchase of lands by them; and thereupon the feu duty, ground annual, casualty of superiority, rent, payment, or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

CXI. If any such lands be so discharged from any such charge or incumbrance, or portion thereof, to which they were subject jointly with other lands, such last-mentioned lands shall alone be charged with the whole of such charge, or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such last-mentioned lands, for the whole or for the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge; and upon any such charge or portion of charge being so discharged the promoters of the undertaking, if required so to do, shall execute and grant in due form a probative deed or instrument, declaring what part of the lands originally subject to such charge shall have been purchased by virtue of the special Act, and if the lands be discharged from part of such charge, what proportion of such charge shall have been discharged, and how much thereof continues payable, or if the lands so required shall have been discharged from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith; and such deed or instrument shall be made and executed at the expense of the promoters of the undertaking, and shall be competent evidence in all courts and elsewhere of the facts therein stated.

CXII. And with respect to lands subject to leases,—it is enacted as follows: If any lands shall be comprised in a lease or missive of lease for a term of years unexpired, part only of which lands shall be required for the purposes of the special Act, the rent payable in respect of the lands comprised in such lease or missive of lease shall be apportioned between the lands so required and the residue of such lands, and such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement between the parties such apportionment shall be settled by the sheriff; and after such apportionment

the lessee of such lands shall, as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of the special Act; and as to the lands not so required, and as against the lessee, the lessor shall have all the same rights and remedies for the recovery of such portion of rent as previously to such apportionment he had for the recovery of the whole rent reserved by such lease or missive of lease; and all the obligations, conditions, and agreements of such lease or missive of lease, except as to the amount of rent to be paid, shall remain in force with regard to that part of the land which shall not be required for the purposes of the special Act, in the same manner as they would have been in case such part only of the land had been included in the lease or missive of lease.

CXIII. Every such lessee as last aforesaid shall be entitled to receive from the promoters of the undertaking compensation for the damage done to him in his tenancy by reason of the severance of the lands required from those not required, or otherwise by reason of the execution of the works.

CXIV. If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year or from year to year, and if such person be required to give up possession of any lands so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by any in-coming tenant, and for any loss or injury he may sustain, or if a part only of such lands be required, compensation for the damage done to him in his tenancy by the severing of the lands held by him, or otherwise injuriously affecting the same, and the amount of such compensation shall be determined by the sheriff, in case the parties differ about the same; and upon payment or tender of the amount of such compensation all such persons shall respectively deliver up to the promoters of the undertaking, or to the person appointed by them to take possession thereof, any such lands in their possession required for the purposes of the special Act.

CXV. If any party, having a greater interest than as tenant for a year or from year to year, claim compensation in respect of any unexpired term or interest under any lease, missive of lease, or grant of any such lands, the promoters of the undertaking may require such party to produce the lease, missive of lease, or grant in respect of which such claim shall be made, or other legal evidence thereof in his power; and if, after demand made in writing by the promoters of the undertaking, such lease, missive of lease, or grant, or other legal evidence thereof, be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.

CXVI. That the powers of the promoters of the undertaking for the compulsory purchase or taking of lands for the purposes of the special Act shall not be exercised after the expiration of the prescribed period, and if no period be prescribed not after the expiration of three years from the passing of the special Act.

CXVII. And with respect to interest in lands which have by mistake been omitted to be purchased,—it is enacted as follows: If at any time after the promoters of the undertaking shall have entered upon any lands which under the provisions of this or the special Act, or any Act incorporated therewith, they were authorized to purchase, and which shall be permanently required for the purposes of the special Act, any party shall appear to be entitled to any estate, right, or interest in or charge affecting such lands which the promoters of the undertaking shall through mistake or inadvertency have failed or omitted duly to purchase or to pay compensation for, then, whether the period allowed for the purchase of lands shall have expired or not, the promoters of the undertaking shall remain in the undisturbed possession of such lands, provided, within six months after notice of such estate, right, interest, or charge, in case the same shall not be disputed by the promoters of the undertaking, or in case the same shall be disputed, then within six months after the right thereto shall have been finally established by law in favour of the party claiming the same, the promoters of the undertaking shall purchase or pay compensation for the same, and shall also pay to such party, or to any other party who may establish a right thereto, full compensation for the profits or interest which would have accrued to such parties respectively in respect thereof during the interval between the entry of the promoters of the undertaking thereon and the time of the payment of such purchase-money or compensation by the promoters of the undertaking, so far as such profits or interest may be recoverable in law; and such purchase-money or compensation shall be agreed on or awarded and paid in like manner as according to the provisions of this Act the same respectively would have been agreed on or awarded and paid in case the promoters of the undertaking had purchased such estate, right, interest, or charge before their entering upon such land, or as near thereto as circumstances will admit.

CXVIII. In estimating the compensation to be given for any such last-mentioned lands, or any estate or interest in the same, or for any profits thereof, the jury, or arbiters, or sheriff, as the case may be, shall assess the same according to what they shall find to have been the value of such lands, estate, or interest, and profits, at the time such lands were entered upon by the promoters of the undertaking, and without regard to any improvements or works made in the said lands by the promoters of the undertaking, and as though the works had not been constructed.

CXIX. In addition to the said purchase-money, compensation, or satisfaction, and before the promoters of the undertaking shall become absolutely entitled to any such estate, interest, or charge, or to have the same merged or extinguished for their benefit, they shall, when the right to any such estate, interest, or charge shall have been disputed by the company, and determined in favour of the party claiming the same, pay the full expenses of any proceedings at law or in equity for the determination or recovery of the same to the parties with whom any such litigation in respect thereof shall have taken place; and such expenses shall, in case the same shall be disputed, be settled by the proper officer of the court in which such litigation took place.

CXX. And with respect to lands acquired by the promoters of the undertaking, under the provisions of this or the special Act, or any Act incorporated therewith, but which shall not be required for the purposes thereof,—it is enacted as follows: Within the prescribed period, or if no period be prescribed within ten years after the expiration of the time limited by the special Act for the completion of the works, the promoters of the undertaking shall absolutely sell and dispose of all such superfluous lands in such manner as they may deem most advantageous, and apply the purchase-money arising from such sales to the purposes of the special Act, and in default thereof all such superfluous lands remaining unsold at the expiration

of such period shall thereupon vest in and become the property of the owners of the lands adjoining thereto in proportion to the extent of their lands respectively adjoining the same.

**CXXI.** Before the promoters of the undertaking dispose of any such superfluous lands they shall, unless such lands be situate within a town, or be lands built upon, or be used for building purposes, first offer to sell the same to the person then entitled to the lands (if any) from which the same were originally severed; or if such person refuse to purchase the same, or cannot, after diligent inquiry, be found, then the like offer shall be made to the person or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands; and where more than one such person shall be entitled to such right of pre-emption such offer shall be made to such persons in succession, one after another, in such order as the promoters of the undertaking shall think fit.

**CXXII.** If any such persons be desirous of purchasing such lands, then, within six weeks after such offer of sale, they shall signify their desire in that behalf to the promoters of the undertaking; or if they decline such offer, or if for six weeks they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting, in respect of the lands included in such offer, shall cease; and a declaration in writing, made before the sheriff by some person not interested in the matter in question, stating that such offer was made, and was refused, or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of the country, or could not, after diligent inquiry, be found, or were not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

**CXXIII.** If any person entitled to such pre-emption be desirous of purchasing any such lands, and such person and the promoters of the undertaking do not agree as to the price thereof, then such price shall be ascertained by arbitration, and the expenses of such arbitration shall be in the discretion of the arbiters.

**CXXIV.** Upon payment or tender to the promoters of the undertaking of the purchase-money so agreed upon or determined as aforesaid they shall convey such lands to the purchasers thereof by deed, under the common seal of the promoters of the undertaking, if they be a corporation, or if not a corporation under the hands of the promoters of the undertaking or any two of the directors or managers thereof acting by the authority of the body; and a deed so executed shall be effectual to vest the lands comprised therein in the purchaser of such lands for the estate which shall so have been purchased by him, and a receipt under such common seal, or under the hands of two of the directors or managers of the undertaking, as aforesaid, shall be a sufficient discharge to the purchaser of any such lands for the purchase-money in such receipt expressed to be received.

**CXXV.** That in every conveyance of lands to be made by the promoters of the undertaking under this or the special Act the word "dispose" shall operate as a clause of absolute warranty by the promoters of the undertaking, for themselves and their successors, or for themselves, their heirs, executors, administrators, and assigns, as the case may be, to the respective disponees therein named, and the successors, heirs, executors, administrators, and assigns of such disponees, according to the quality or nature of such conveyances, and of the estate or interest therein expressed to be thereby conveyed, except so far as the same shall be restrained or limited by express words contained in such conveyance.

**CXXVI.** That the rights and titles to be granted in manner herein mentioned in and to any lands taken and used for the purposes of this Act shall, unless otherwise specially provided for, in nowise affect or diminish the right of superiority in the same, which shall remain entire in the person granting such rights and titles; but in the event of the lands so used or taken being a part or portion of other lands held by the same owner under the same titles, the said company shall not be liable for any feu duties or casualties to the superiors thereof, nor shall the said company be bound to enter with the said superiors: Provided always, that before entering into possession of any lands full compensation shall be made to the said superiors for all loss which they may sustain by being deprived of any casualties, or otherwise by reason of any procedure under this Act.

**CXXVII.** That if the promoters of the undertaking become possessed, by virtue of this or the special Act, or any Act incorporated therewith, of any lands charged with the land tax, or liable to be assessed to the poor's rate or prison assessment, they shall from time to time, until the works shall be completed and assessed to such land tax and poor's rate and prison assessment, be liable to make good the deficiency in the several assessments for land tax and poor's rate and prison assessment by reason of such lands having been taken or used for the purposes of the work; and such deficiency shall be computed according to the rental at which such lands, with any building thereon, were valued or rated at the time of the passing of the special Act; and on demand of such deficiency the promoters of the undertaking or their treasurer shall pay all such deficiencies to the collector of the said assessments respectively; nevertheless, if at any time the promoters of the undertaking think fit to redeem such land tax they may do so, in accordance with the powers in that behalf given by the Acts for the redemption of the land tax.

**CXXVIII.** And with respect to the giving of notices,—it is enacted as follows: Any summons or notice, or any writ or other proceeding at law or equity required to be served upon the promoters of the undertaking, may be served by the same being left at or transmitted through the post, directed to the principal office of the promoters of the undertaking, or one of the principal offices where there shall be more than one, or being given personally, or transmitted through the post, directed to the secretary, or in case there be no secretary then by being given to the solicitor of the said promoters.

**CXXIX.** That if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made it shall be lawful for the defender, by leave of the Court where such action shall be pending, at any time before the record is closed to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defenders are allowed to pay money into court.

**CCXX.** And with respect to the recovery of forfeitures, penalties, and expenses,—it is enacted as follows : Every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before the sheriff or two Justices ; and on complaint being made to any sheriff or Justice he shall issue an order requiring the party complained against to appear before himself, if the order be issued by a sheriff, or before two or more Justices, if the order be issued by a Justice, at a time and place to be named in such order ; and every such order shall be served on the party offending either in person or by leaving the same with some inmate at his usual place of abode ; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such order, it shall be lawful for any sheriff or two Justices to proceed to the hearing of the complaint ; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such sheriff or Justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such expenses attending the conviction as such sheriff or Justices shall think fit.

**CCXXI.** If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such expenses as aforesaid, be not paid, the amount of such penalty and expenses may be levied by pouncing and sale, and such sheriff or Justices shall issue his or their warrant of pouncing and sale accordingly.

**CCXXII.** If any such sum shall be payable by the promoters of the undertaking, and if sufficient goods of the said promoters cannot be found whereon to levy the same, it may, if the amount thereof do not exceed 20*l.*, be recovered by pouncing and sale of the goods of the treasurer of the said promoters, and the sheriff, on application, shall issue his warrant accordingly ; but no such pouncing and sale shall be executed against the goods of such treasurer unless seven days previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence ; and if such treasurer pay any money under such pouncing and sale as aforesaid he may retain the amount so paid by him, and all expenses occasioned thereby, out of any money belonging to the promoters of the undertaking coming into his custody or controul, or he may sue the promoters of the undertaking for the same.

**CCXXIII.** Where in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty, expenses, or otherwise, is directed to be levied by pouncing and sale, such sum of money shall be levied by pouncing and sale of the goods and effects of the party liable to pay the same, and the overplus arising from the sale of such goods and effects, after satisfying such sum of money, and the expenses of the pouncing and sale, shall be returned, on demand, to the party whose goods shall have been seized.

**CCXXIV.** No pouncing and sale made by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser or wrongdoer, on account of any defect or want of form in the summons, conviction, warrant, or other proceeding relating thereto, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action before the sheriff court.

**CCXXV.** The sheriff or Justices by whom any such penalty or forfeiture shall be imposed, where the application thereof is not otherwise provided for, may award not more than one-half thereof to the informer, and shall award the remainder to the kirk session, or treasurer or collector of the funds for the poor, of the parish in which the offence shall have been committed, for the benefit of the poor of such parish.

**CCXXVI.** No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before the sheriff or Justices, unless the complaint respecting such offence shall have been made before such sheriff or some Justice within six months next after the commission of such offence.

**CCXXVII.** The sheriff or Justice or Justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the Schedule (C.) to this Act annexed.

**CCXXVIII.** No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by suspension or otherwise into any superior court.

**CCXXIX.** In all cases which may come before any sheriff substitute under this or the special Act, or any Act incorporated therewith, in which written pleadings shall have been allowed, and a written record shall have been made up, and where the evidence which has been led by the parties shall have been reduced to writing, but in no other case whatever, it shall be competent for any of the parties thereto, within seven days after a final judgment shall have been pronounced by such sheriff substitute, to appeal against the same to the sheriff of the county, by lodging a minute of appeal with the sheriff clerk of such county or his deputy ; and the said sheriff shall thereupon review the proceedings of the said sheriff substitute, and whole process, and, if he think proper, hear the parties *viâ voce* thereon, and pronounce judgment ; and such judgment shall in no case be subject to review by suspension or advocacy, or by reduction on any ground whatever.

**CXL.** If any party shall feel aggrieved by any determination or adjudication of any Justice or two or more Justices, with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the General Quarter Sessions for the county or place in which the cause of appeal shall have arisen ; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a Justice, conditioned duly to prosecute such appeal, and to abide the order of the Court thereon.

CXLI. At the Quarter Sessions for which such notice shall be given the Court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable, and they may make such order concerning the expenses, both of the adjudication and of the appeal, as they may think reasonable.

CXLII. And with respect to the provision to be made for affording access to the special Act by all parties interested,—it is enacted as follows: The company shall at all times, after the expiration of six months after the passing of the special Act, keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty, or some of them; and where the undertaking shall be a railway, canal, or other like undertaking, the works of which shall not be confined to one county, shall also within the space of such six months deposit in the office of each of the sheriff clerks of the several counties into which the works shall extend a copy of such special Act, so printed as aforesaid; and the said sheriff clerks shall receive, and they and the company respectively shall retain, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act, 7 Will. 4. & 1 Vict. c. 83, intituled, 'An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

CXLIII. If the company shall fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the special Act, they shall forfeit 20*l.* for every such offence, and also 5*l.* for every day afterwards during which such copy shall be not so kept or deposited.

CXLIV. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

#### SCHEDULES referred to in the foregoing Act.

##### SCHEDULE (A.)

###### *Form of Conveyance.*

I of in consideration of the Sum of paid to me [or, as the Case may be, into the Bank (or to A.B. of and C.D. of Two Trustees appointed to receive the same)], pursuant to an Act passed, &c., intituled, &c., by the [here name the Company], incorporated by the said Act, do hereby sell, alienate, dispoise, convey, assign, and make over from me, my Heirs and Successors, to the said Company, their Successors and Assignees, for ever, according to the true Intent and Meaning of the said Act, all [describing the Premises to be conveyed], together with all Rights and Pertinents thereto belonging, and all such Right, Title, and Interest in and to the same as I and my forefathers are or shall become possessed of, or are by the said Act empowered to convey. [Here insert the Conditions (if any) of the Conveyance, and a Registration Clause for Preservation and Diligence, and a Testing Clause, according to the Form of the Law of Scotland.]

##### SCHEDULE (B.)

###### *Form of Conveyance in consideration of Feu Duty or Rent-charge.*

I of in consideration of the Feu Duty or Rent to be paid to me, my Heirs and Assigns, as hereinafter mentioned, by the [here name the Company], established and incorporated by virtue of an Act passed, &c., intituled, &c., do hereby dispoise, convey, and make over from me, my Heirs and Successors to the said Company, their Successors, and Assignees, for ever, according to the true Intent and Meaning of the said Act, all [describing the Premises to be conveyed], together with all Rights and Pertinents thereunto belonging, and all my Right, Title, and Interest in and to the same and every Part thereof, they the said Company, their Successors and Assignees, yielding and paying unto me, my Heirs and Assignees, One clear annual Feu Duty or Rent of by equal half-yearly Portions henceforth on the [stating the Days. Here insert Conditions of the Conveyance (if any), and insert a Registration Clause for Preservation and Diligence, and a Testing Clause, according to the Form of the Law of Scotland.]

##### SCHEDULE (C.)

###### *Form of Conviction before*

to wit.  
Bz it remembered, That on the Day of in the Year of our Lord A.B. is convicted before me C., the Sheriff [or before us D., E., Two of Her Majesty's Justices of the Peace] for the County of [here describe the Offence generally, and the Time and Place when and where committed], contrary to the [here name the special Act]. Given under my Hand [or under our Hands], the Day and Year first-above written.

C.  
D.  
E.

## CAP. XX.

AN ACT for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways.

(8th May 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. Operation of this Act confined to future railways.
2. Interpretations in this Act: "special Act;" "prescribed;" "the lands;" "the undertaking."
3. Interpretations in this and the special Act: number; gender; "lands;" "lease;" "toll;" "goods;" "month;" "superior courts;" "oath;" "county;" "the sheriff;" "the clerk of the peace;" "Justice;" "two Justices;" "owner;" "the company;" "the railway;" "Board of Trade;" "the Bank;" "turnpike road;" Ireland; "Surveyor;" Ireland; "overseers of the poor;" Ireland.
4. Short title of the Act.
5. Form in which portions of this Act may be incorporated in other Acts.
6. The construction of the railway to be subject to the provisions of this Act and the Lands Clauses Consolidation Act.
7. Errors and omissions in plans to be corrected.
8. Works not to be proceeded with until plans of all alterations authorized by Parliament have been deposited.
9. Clerks of the Peace, &c. to receive plans of alterations, and allow inspection.
10. Copies of plans, &c. to be evidence.
11. Limiting deviation from datum line described on sections, &c.—Proviso.
12. Public notice to be given previous to making greater deviations.—Power to the owners of adjoining lands to appeal to the Board of Trade against such deviations.
13. Arches, tunnels, &c. to be made as marked on deposited plans.
14. Limiting deviations from gradients, curves, &c.
15. Lateral deviations.
16. Works to be executed.—Inclined planes, &c.—Alteration of course of rivers, &c.—Drains, &c.—Warehouses, &c.—Alterations and repairs.—General powers.—Proviso as to damages.
17. Works below high water mark not to be executed without the consent of the Lords of the Admiralty.
18. Alteration of water and gas pipes, &c.
19. Company not to disturb pipes until they have laid down others.
20. Pipes not to be laid contrary to any Act, and 18 inches surface road to be retained.
21. Company to make good all damage.
22. When railway crosses pipes, company to make a culvert.
23. Penalty for obstructing supply of gas or water.
24. Penalty for obstructing construction of railway.
25. The company from time to time to submit to the drainage commissioners in Ireland plans, &c. of the portion of the railway which they are about to execute.
26. Such commissioners to investigate and report on the works necessary for drainage.
27. Summary application to the Court of Chancery to enforce the execution of such works.
28. Saving of the powers of the drainage commissioners.
29. The drainage commissioners in Ireland to have power to decide questions as to the execution of works or to execute works for carrying water-courses across the railway.
30. Company may occupy temporarily private roads within five hundred yards of the railway.
31. Power to owners and occupiers of road and land to object that other roads should be taken.
32. Power to take temporary possession of land without previous payment of price.
33. Company to give notice previous to such temporary possession.
34. Service of notices on owners and occupiers of land.
35. Power to owner to object that other lands ought to be taken.
36. Power to two Justices to order that the lands and materials shall not be taken.
37. Power to Justices to order other lands to be taken.
38. Power to the Justices to summon other owners before them.
39. The company to give sureties, if required.
40. Company to separate the lands before using them.
41. Lands taken for getting materials, &c. to be worked as the surveyor of owner may direct.
42. Owners of lands may compel company to purchase lands so temporarily occupied.
43. Compensation to be made for temporary occupation.
44. Compensation to be ascertained under the Lands Clauses Act.
45. Land to be taken for additional stations, &c.

Construction of  
Railway.

Drainage of Lands.

Temporary Use of  
Lands.

Lands for additional  
Stations.



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|  | 46. Crossing of roads.  |
|  | 47. Provision in cases where roads are crossed on a level.  |
|  | 48. As to crossing of turnpike roads adjoining stations.  |
|  | 49. Construction of bridges over roads.   |
|  | 50. Construction of bridges over railway.   |
|  | 51. The width of the bridges need not exceed the width of the road in certain cases.  |
|  | 52. Existing inclinations of roads crossed or diverted need not be improved.  |
|  | 53. Before roads interfered with, others to be substituted.   |
|  | 54. Penalty for not substituting a road.  |
|  | 55. Party suffering damage from interruption of road to recover in an action on the case.   |
|  | 56. Period for restoration of roads interfered with.  |
|  | 57. Penalty for failing to restore road.  |
|  | 58. Company to repair roads used by them.   |
|  | 59. Proceedings on application to Justices to consent to level crossings of bridleways and footways.  |
|  | 60. Appeal against the determination of the Justices.   |
|  | 61. Company to make sufficient approaches and fences to bridleways and footways crossing on the level.  |
|  | 62. Justices to have power to order approaches and fences to be made to highways crossing on the level.   |
| Crossing of Roads and<br>Construction of<br>Bridges.   | 63. Screen for roads to be made, if required by the Board of Trade.   |
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| Screens for Turnpike<br>Roads.                         | 65. Justices to have power to order repair of bridges, &c.  |
|  | 66. Board of Trade empowered to modify the construction of certain roads, bridges, &c., where a strict compliance with the Act is impossible or inconvenient. |
| Construction of<br>Bridges.                            | 67. Authentication of certificates of the Board of Trade, service of notices, &c.   |
|  | 68. Gates, bridges, &c.; fences; drains; watering places.   |
|  | 69. Differences as to accommodation works to be settled by Justices.  |
|  | 70. Execution of works by owners on default by the company.   |
| Works for Protection<br>and Accommodation of<br>Lands. | 71. Power to owners of land to make additional accommodation works.   |
|  | 72. Such works to be constructed under the superintendence of the company's engineer.   |
|  | 73. Accommodation works not to be required after five years.  |
|  | 74. Owners to be allowed to cross until accommodation works are made.   |
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| Branch Railways.                                       | 76. Power to parties to make private branch railways communicating with the railway.—Restrictions and conditions.   |
|  | 77. Company not to be entitled to minerals.   |
|  | 78. Mines lying near the railway not to be worked if the company willing to purchase them.  |
|  | 79. If company unwilling to purchase, owner may work the mines.   |
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| Working of Mines.                                      | 81. Company to make compensation for injury done to mines;  |
|  | 82. And also for any airway or other work made necessary by the railway.  |
|  | 83. Power to company to enter and inspect the working of mines.   |
|  | 84. Penalty for refusal to inspect.   |
|  | 85. If mines improperly worked, the company may require means to be adopted for the safety of the railway.  |
|  | 86. Company to employ locomotive power, carriages, &c.  |
|  | 87. Company empowered to contract with other companies.   |
|  | 88. Contracts not to affect persons not parties thereto.  |
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|  | 90. Power to vary tolls.—Tolls to be charged equally under like circumstances.  |
|  | 91. How tolls to be calculated where railways amalgamated.  |
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|  | 97. In default of payment of tolls, goods, &c. may be detained and sold.  |
|  | 98. Account of lading, &c. to be given.   |
|  | 99. Penalty for not giving account of lading.   |
|  | 100. Disputes as to amount of tolls chargeable.   |
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|  | 102. Toll collector to be liable for wrongful detention of goods.   |
|  | 103. Penalty on passengers practising frauds on the company.  |
|  | 104. Detention of offenders.  |
|  | 105. Penalty for bringing dangerous goods on the railway.   |
|  | 106. Delivery of matters in possession or custody of toll collector at removal.   |
|  | 107. Annual account to be made up, and a copy transmitted to the clerk of the peace, &c.  |
|  | 108. Company to regulate the use of the railway.  |
|  | 109. Power to make regulations by bye-laws.   |
|  | 110. Publication of such bye-laws.  |
| Bye-Laws.  | 111. Such bye-laws to be binding on all parties.  |

- Leasing of Railway.* { 112. Exercise of power to lease the railway.  
113. Powers vested in the company may be exercised by the lessees.  
114. Engines to consume their smoke.  
115. Engines to be approved by the company, and certificate of approval given.—Unfit engines to be removed.
- Carriages and Engines.* { 116. Penalty for using improper engines.  
117. Carriages to be constructed according to company's regulations.  
118. Regulations to apply also to company's carriages.  
119. Penalty for using improper carriages.  
120. Owner's name, &c. to be registered, and exhibited on carriages.  
121. On non-compliance carriage may be removed.  
122. Carriages improperly loaded, or suffered to obstruct the road, may be unloaded or removed.  
123. Company not to be liable for damage by such unloading, &c.  
124. Owners liable for damage by their servants.  
125. Owners may recover from servants.
- Arbitration.* { 126. Where questions are to be determined by arbitration, the arbitrators to be appointed within fourteen days after notice.—In case of failure to appoint by one party the other may appoint.  
127. Vacancy of arbitrator to be supplied.  
128. Appointment of umpire.  
129. Board of Trade empowered to appoint an umpire, on neglect of the arbitrators.  
130. In case of death of single arbitrator the matter to begin de novo.  
131. If either arbitrator refuse to act the other to proceed ex parte.  
132. If arbitrators fail to make their award within twenty-one days the matter to go to the umpire.  
133. Power for arbitrators to call for books, &c.  
134. Arbitrator and umpire to make declaration.  
135. Costs to be in the discretion of the arbitrators.  
136. Submission to arbitration may be made a rule of court.  
137. The award not to be set aside for matter of form.  
138. Service of notices upon company.  
139. Tender of amends.  
140. Provision for damages not otherwise provided for.  
141. Distress against the treasurer.  
142. Method of proceeding before Justices in questions of damages, &c.  
143. Publication of penalties.  
144. Penalty for defacing boards used for such publication.  
145. Penalties to be summarily recovered before two Justices.  
146. Penalties to be levied by distress.  
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148. Distress how to be levied.  
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- Recovery of Damages and Penalties.* { 150. Application of penalties.  
151. Penalties to be sued for within six months.  
152. Damage to be made good in addition to penalty.  
153. Penalty on witnesses making default.  
154. Transient offenders.  
155. Form of conviction.  
156. Proceedings not to be quashed for want of form, &c.  
157. Parties allowed to appeal to Quarter Sessions on giving security.  
158. Court to make such order as they think reasonable.  
159. Receiver of metropolitan police district to receive penalties incurred within his district.  
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- Access to Special Act.* { 161. Money paid into the Bank of Ireland to be exempt from ushers poundage.  
162. Copies of special Act to be kept and deposited, and allowed to be inspected.  
163. Penalty on company failing to keep or deposit such copies.  
164. Act not to extend to Scotland.  
165. Act may be amended this session.

By this Act,

After reciting that it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament authorizing the construction of railways, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for insuring greater uniformity in the provisions themselves: And that a bill is now pending in Parliament, intituled 'An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature,' and which is intended to be called 'The Lands Clauses Consolidation Act, 1845:'

It is Enacted,

1. That this Act shall apply to every railway which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as

they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed, together therewith, as forming one Act.

II. And with respect to the construction of this Act and of other Acts to be incorporated therewith,—it is enacted as follows: The expression “the special Act,” used in this Act, shall be construed to mean any Act which shall be hereafter passed authorizing the construction of a railway, and with which this Act shall be so incorporated as aforesaid; and the word “prescribed,” used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word shall occur shall be construed as if, instead of the word “prescribed,” the expression “prescribed for that purpose in the special Act” had been used; and the expression “the lands” shall mean the lands which shall by the special Act be authorized to be taken or used for the purposes thereof; and the expression “the undertaking” shall mean the railway and works, of whatever description, by the special Act authorized to be executed.

III. The following words and expressions, both in this and the special Act, shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction; (that is to say,)

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include also the singular number:

Words importing the masculine gender only shall include females:

The word “Lands” shall include messuages, lands, tenements, and hereditaments of any tenure:

The word “Lease” shall include an agreement for a lease:

The word “Toll” shall include any rate or charge or other payment payable under the special Act for any passenger, animal, carriage, goods, merchandise, articles, matters, or things conveyed on the railway:

The word “Goods” shall include things of every kind conveyed upon the railway:

The word “Month” shall mean calendar month:

The expression “Superior Courts” shall mean Her Majesty’s superior courts of record at Westminster or Dublin, as the case may require:

The word “Oath” shall include affirmation in the case of Quakers, or other declaration lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath:

The word “County” shall include any riding or other like division of a county, and shall also include county of a city or county of a town:

The word “Sheriff” shall include under-sheriff, or other legally competent deputy; and where any matter in relation to any lands is required to be done by any sheriff, or clerk of the peace, the expression “the Sheriff,” or the expression “the Clerk of the Peace,” shall in such case be construed to mean the sheriff or the clerk of the peace of the county, city, borough, liberty, cinque port, or place where such lands shall be situate; and if the lands in question, being the property of one and the same party, be situate not wholly in one county, city, borough, liberty, cinque port, or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any county, city, borough, liberty, cinque port, or place where any part of such lands shall be situate:

The word “Justice” shall mean Justice of the Peace acting for the county, city, borough, liberty, cinque port, or place where the matter requiring the cognizance of any such Justice shall arise, and who shall not be interested in the matter; and where such matter shall arise in respect of lands being the property of one and the same party, situate not wholly in any one county, city, borough, liberty, cinque port, or place, shall mean a Justice acting for the county, city, borough, liberty, cinque port, or place where any part of such lands shall be situate, and who shall not be interested in such matter; and where any matter shall be authorized or required to be done by two Justices, the expression “Two Justices” shall be understood to mean two Justices assembled and acting together:

Where under the provisions of this or the special Act, any notice shall be required to be given to the owner of any lands, or where any act shall be authorized or required to be done with the consent of any such owner, the word “Owner” shall be understood to mean any person or corporation who, under the provisions of this or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company:

The expression “the Company” shall mean the company or party which shall be authorized by the special Act to construct the railway:

The expression “the Railway” shall mean the railway and works by the special Act authorized to be constructed:

The expression “the Board of Trade” shall mean the lords of the committee of Her Majesty’s Privy Council appointed for trade and foreign plantations:

The expression “the Bank” shall mean the Bank of England where the same shall relate to monies to be paid or deposited in respect of lands situate in England, and shall mean the Bank of Ireland where the same shall relate to monies to be paid or deposited in respect of lands situate in Ireland:

The expression “Turnpike Road” shall, when applied to any road in Ireland, include any road upon which Her Majesty’s mails are or shall be carried in mail carriages; or such other roads as the Commissioners of Public Works in Ireland shall consider to require arches of greater width or height than by this Act is required for public carriage roads:

The expression “Surveyor,” applied to a road or highway, shall, as to railways in Ireland, include the county surveyor: The expression “Overseers of the Poor,” when applied to Ireland, shall include the poor law guardians of the elector division and the clerk of the guardians of the union through which such railway may pass.

IV. That in citing this Act in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression “The Railways Clauses Consolidation Act, 1845.”

And after reciting that it may be convenient, in some cases, to incorporate with Acts hereafter to be passed some parts only of the provisions of this Act;—

It is Enacted,

v. That, for the purpose of making any such incorporation, it shall be sufficient in any such Act to enact that the clauses of this Act with respect to the matter so proposed to be incorporated (describing such matter as it is described in this Act, in the words introductory to the enactment with respect to such matter), shall be incorporated with such Act, and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

vi. And with respect to the construction of the railway and the works connected therewith,—it is enacted as follows: In exercising the power given to the company by the special Act to construct the railway, and to take lands for that purpose, the company shall be subject to the provisions and restrictions contained in this Act and in the said Lands Clauses Consolidation Act; and the company shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of the railway, or injuriously affected by the construction thereof, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other parties, by reason of the exercise, as regards such lands, of the powers by this or the special Act, or any Act incorporated therewith, vested in the company; and, except where otherwise provided by this or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by the said Lands Clauses Consolidation Act for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the said last-mentioned Act shall be applicable to determining the amount of any such compensation, and to enforcing the payment or other satisfaction thereof.

vii. If any omission, mis-statement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described on the plans or books of reference mentioned in the special Act, or in the Schedule to the special Act, it shall be lawful for the company, after giving ten days' notice to the owners of the lands affected by such proposed correction, to apply to two Justices for the correction thereof; and if it shall appear to such Justices that such omission, mis-statement, or erroneous description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described; and such certificate shall be deposited with the clerks of the peace of the several counties in which the lands affected thereby shall be situate, and shall also be deposited with the parish clerks of the several parishes in England, and with the postmasters of the post towns in or nearest to such parishes in Ireland, in which the lands affected thereby shall be situate; and such certificate shall be kept by such clerks of the peace, parish clerks, and postmasters respectively along with the other documents to which they relate; and thereupon such plan, book of reference, or Schedule shall be deemed to be corrected according to such certificate; and it shall be lawful for the company to make the works in accordance with such certificate.

viii. It shall not be lawful for the company to proceed in the execution of the railway unless they shall have previously to the commencement of such work deposited with the clerks of the peace of the several counties in or through which the railway is intended to pass a plan and section of all such alterations from the original plan and section as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and section of the railway, and shall also have deposited with the clerks of the several parishes in England, and the postmasters of the post towns in or nearest to such parishes in Ireland, in or through which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes respectively.

ix. The said clerks of the peace, parish clerks, and postmasters shall receive the said plans and sections of alterations, and, copies and extracts thereof respectively, and shall retain the same, as well as the said original plans and sections, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of the original plans and sections by an act 7 Will. 4. & 1 Vict. c. 83, intituled, 'An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

x. True copies of the said plans and books of reference, or of any alteration or correction thereof, or extract therefrom certified by any such clerk of the peace, which certificate such clerk of the peace shall give to all parties interested, when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

xi. In making the railway it shall not be lawful for the company to deviate from the levels of the railway, as referred to the common datum line described in the section approved of by Parliament, and as marked on the same, to any extent exceeding in any place five feet, or, in passing through a town, village, street, or land continuously built upon, two feet, without the previous consent in writing of the owners and occupiers of the land in which such deviation is intended to be made; or in case any street or public highway shall be affected by such deviation, then the same shall not be made without the like consent of the trustees or commissioners having the controul of such street or public highway, or, if there be no such trustees or commissioners, without the like consent of two or more Justices of the Peace in petty sessions assembled for that purpose, and acting for the district in which such street or public highway may be situated, or without the like consent of the commissioners for any public sewers, or the proprietors of any canal, navigation, gas works, or waterworks affected by such deviation: Provided always, that it shall be lawful for the company to deviate from the said levels to a further extent without such consent as aforesaid, by lowering solid embankments or viaducts, provided that the requisite height of headway as prescribed by Act of Parliament be left for roads, streets, or canals passing under the same: provided also, that notice of every petty sessions to be holden for the purpose of obtaining such consent of two Justices as is hereinbefore required shall, fourteen days previous to the holding of such petty sessions, be given in some newspaper circulating in the county, and also be affixed upon the door of the parish church in which such deviation or alteration is intended to be made, or, if there be no church, some other place to which notices are usually affixed.

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XII. Before it shall be lawful for the company to make any greater deviation from the level than five feet, or, in any town, village, street, or land continuously built upon, two feet, after having obtained such consent as aforesaid, it shall be incumbent on the company to give notice of such intended deviation by public advertisement, inserted once at least in two newspapers, or twice at least in one newspaper, circulating in the district or neighbourhood where such deviation is intended to be made, three weeks at least before commencing to make such deviation; and it shall be lawful for the owner of any lands prejudicially affected thereby, at any time before the commencement of the making of such deviation, to apply to the Board of Trade, after giving ten days' notice to the company, to decide whether, having regard to the interests of such applicants, such proposed deviation is proper to be made; and it shall be lawful for the Board of Trade, if they think fit, to decide such question accordingly, and by their certificate in writing either to disallow the making of such deviation or to authorize the making thereof, either simply or with any such modification as shall seem proper to the Board of Trade; and after any such certificate shall have been given by the Board of Trade it shall not be lawful for the company to make such deviation, except in conformity with such certificate.

XIII. Where in any place it is intended to carry the railway on an arch or arches or other viaduct, as marked on the said plan or section, the same shall be made accordingly; and where a tunnel is marked on the said plan or section as intended to be made at any place, the same shall be made accordingly, unless the owners, lessees, and occupiers of the land in which such tunnel is intended to be made shall consent that the same shall not be so made.

XIV. It shall not be lawful for the company to deviate from or alter the gradients, curves, tunnels, or other engineering works described in the said plan or section, except within the following limits, and under the following conditions; (that is to say,)

Subject to the above provisions in regard to altering levels, it shall be lawful for the company to diminish the inclination or gradients of the railway to any extent, and to increase the said inclination or gradients as follows; (that is to say,) in gradients of an inclination not exceeding one in a hundred, to any extent not exceeding ten feet per mile, or to any further extent which shall be certified by the Board of Trade to be consistent with the public safety, and not prejudicial to the public interest; and in gradients of or exceeding the inclination of one in a hundred, to any extent not exceeding three feet per mile, or to any further extent which shall be so certified by the Board of Trade as aforesaid:

It shall be lawful for the company to diminish the radius of any curve described in the said plan to any extent which shall leave a radius of not less than half a mile, or to any further extent authorized by such certificate as aforesaid from the Board of Trade:

It shall be lawful for the company to make a tunnel, not marked on the said plan or section, instead of a cutting, or a viaduct instead of a solid embankment, if authorized by such certificate as aforesaid from the Board of Trade.

XV. It shall be lawful for the company to deviate from the line delineated on the plans so deposited, provided that no such deviation shall extend to a greater distance than the limits of deviation delineated upon the said plans, nor to a greater extent in passing through a town, village, or lands continuously built upon than ten yards, or elsewhere to a greater extent than one hundred yards from the said line, and that the railway by means of such deviation be not made to extend into the lands of any person, whether owner, lessee, or occupier, whose name is not mentioned in the books of reference, without the previous consent in writing of such person, unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake shall have been certified in manner herein or in the special Act provided for in cases of unintentional errors in the said books of reference.

XVI. Subject to the provisions and restrictions in this and the special Act, and any Act incorporated therewith, it shall be lawful for the company, for the purpose of constructing the railway, or the accommodation works connected therewith, herein-after mentioned, to execute any of the following works; (that is to say,)

They may make or construct in, upon, across, under, or over any lands, or any streets, hills, valleys, roads, railroads, or tramroads, rivers, canals, brooks, streams, or other waters, within the lands described in the said plans, or mentioned in the said books of reference or any correction thereof, such temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings, and fences as they think proper;

They may alter the course of any rivers not navigable, brooks, streams, or watercourses, and of any branches of navigable rivers, such branches not being themselves navigable, within such lands, for the purpose of constructing and maintaining tunnels, bridges, passages, or other works over or under the same, and divert or alter, as well temporarily as permanently, the course of any such rivers or streams of water, roads, streets, or ways, or raise or sink the level of any such rivers or streams, roads, streets, or ways, in order the more conveniently to carry the same over or under or by the side of the railway, as they may think proper;

They may make drains or conduits into, through, or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

They may erect and construct such houses, warehouses, offices, and other buildings, yards, stations, wharfs, engines, machinery, apparatus, and other works and conveniences as they think proper;

They may from time to time alter, repair, or discontinue the before-mentioned works or any of them, and substitute others in their stead; and

They may do all other acts necessary for making, maintaining, altering, or repairing, and using the railway:

Provided always, that in the exercise of the powers by this or the special Act granted the company shall do as little damage as can be, and shall make full satisfaction in manner herein and in the special Act, and any Act incorporated therewith, provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers.

XVII. It shall not be lawful for the company to construct on the shore of the sea, or of any creek, bay, arm of the sea or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, any work, or to construct any railway or bridge across any creek, bay, arm of the sea, or navigable river, where and so far up the same as the tide flows and reflows, without the previous consent of Her Majesty, her heirs and successors, to be signified in writing under

the hands of two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral aforesaid for the time being, to be signified in writing under the hand of the secretary of the Admiralty, and then only according to such plan and under such restrictions and regulations as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Lord High Admiral, or the said Commissioners, may approve of, such approval being signified as last aforesaid; and where any such work, railway, or bridge shall have been constructed it shall not be lawful for the company at any time to alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents or approvals; and if any such work, railway, or bridge shall be commenced or completed contrary to the provisions of this Act, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said Lord High Admiral, or the said Commissioners for executing the office of Lord High Admiral, to abate and remove the same, and to restore the site thereof to its former condition, at the cost and charge of the company; and the amount thereof may be recovered in the same manner as a penalty is recoverable against the company.

XVIII. It shall be lawful for the company, for the purpose of constructing the railway, to raise, sink, or otherwise alter the position of any of the watercourses, water pipes, or gas pipes belonging to any of the houses adjoining or near to the railway, and also the mains and other pipes laid down by any company or society who may furnish the inhabitants of such houses or places with water or gas, and also to remove all other obstructions to such construction, so as the same respectively be done with as little detriment and inconvenience to such company, society, or inhabitants as the circumstances will admit, and be done under the superintendence of the company to which such water pipes or gas pipes belong, and of the several commissioners or trustees, or persons having controul of the pavements, sewers, roads, streets, highways, lanes, and other public passages and places within the parish or district where such mains, pipes, or obstructions shall be situate, or of their surveyor, if they or he think fit to attend, after receiving not less than forty-eight hours' notice for that purpose.

XIX. Provided always, That it shall not be lawful for the company to remove or displace any of the mains or pipes (other than private service pipes), syphons, plugs or other works belonging to any such company or society, or to do any thing to impede the passage of water or gas into or through such mains or pipes, until good and sufficient mains or pipes, syphons, plugs, and all other works necessary or proper for continuing the supply of water or gas as sufficiently as the same was supplied by the mains or pipes proposed to be removed or displaced, shall, at the expense of the company, have been first made and laid down in lieu thereof, and be ready for use, in a position as little varying from that of the pipes or mains proposed to be removed or displaced as may be consistent with the construction of the railway, and to the satisfaction of the surveyor or engineer of such water or gas company or society, or, in case of disagreement between such surveyor or engineer and the company, as a Justice shall direct.

XX. It shall not be lawful for the company to lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas company or society, or to cause any road to be lowered for the purposes of the railway, without leaving a covering of not less than eighteen inches from the surface of the road over such mains or pipes.

XXI. The company shall make good all damage done to the property of the water or gas company or society, by the disturbance thereof, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with the mains, pipes, or works of such water or gas company or society, or with the private service pipes of any person supplied by them with water.

XXII. If it shall be necessary to construct the railway or any of the works over any mains or pipes of any such water or gas company or society, the company shall, at their own expense, construct and maintain a good and sufficient culvert over such main or pipe, so as to leave the same accessible for the purpose of repairs.

XXIII. If by any such operations as aforesaid the company shall interrupt the supply of any water or gas they shall forfeit 20*l.* for every day that such supply shall be so interrupted, and such penalty shall be appropriated to the benefit of the poor of the parish in which such obstruction shall occur, in such manner as the overseers of the poor of the parish shall direct.

XXIV. If any person wilfully obstruct any person acting under the authority of the company in the lawful exercise of their power, in setting out the line of the railway, or pull up or remove any poles or stakes driven into the ground for the purpose of so setting out the line of the railway, or deface or destroy any marks made for the same purpose, he shall forfeit a sum not exceeding 5*l.* for every such offence.

XXV. And after reciting that there are large tracts of land in Ireland subject to flood and injury by water, and the rivers, streams, and watercourses are in many places obstructed by shoals, insufficient bridges, culverts, weirs, and other works, whereby the waters thereof are elevated above their natural level: and the passing of an Act 1 & 2 Will. 4. c. 57, intituled 'An Act to empower Landed Proprietors in Ireland to sink, embank, and remove Obstructions in Rivers:' and another Act 5 & 6 Vict. c. 89, intituled 'An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland;' and that by the said last-mentioned Act public commissioners were appointed to carry the said last-recited Act into execution: and that it is essential, for carrying into effect the purposes of the said Acts, and for the improvement of agriculture, that ample provision be made in all railway works in Ireland for the free and uninterrupted passage of the waters at such level as will be sufficient not only for the present but all future discharge of the waters from lands crossed by or being on either side of such works, and that the bridges of railways crossing all watercourses, rivers, lakes, or estuaries which are or hereafter may be made navigable shall be so constructed as to admit of the commodious navigation of the same: Therefore, with respect to the provision to be made for the drainage of land in Ireland which may be crossed by the railway, and for the protection of the navigation connected therewith,—it is enacted as follows: If the special Act shall authorize the construction of a railway in Ireland, the company shall and they are hereby required, from time to time before proceeding to construct any portion of the railway, to submit to the commissioners acting in execution of the said Act, 5 & 6 Vict. c. 89, or any Act amending the same, such plans, sections, and surveys as shall be necessary to enable the

said commissioners to decide upon the number and adequacy of the waterways of all bridges, culverts, tunnels, watercourses, and other works across the line of such portion as aforesaid of the railway, for the free and uninterrupted discharge of the waters from all lands crossed by or lying on either side of or near the railway, at such level as shall in the opinion of the said commissioners be sufficient for the present and prospective drainage and improvement of such lands, and (in cases of rivers, lakes, estuaries, or watercourses, which are now or may be capable of being made navigable) upon the height and adequacy of all bridges and works crossing the same, for the commodious navigation thereof.

XXVI. The said commissioners shall and they are hereby required, without any unnecessary delay, to investigate, by such means as to them shall seem fit, the adequacy of all such works for such purposes as aforesaid, and to decide and certify, by a writing under their hands, or the hands of any two of them, the number, situation, and least possible dimensions as to breadth, depth, and height of the several openings of such bridges, culverts, tunnels, or other works connected with such portion of the railway as aforesaid, which shall be necessary for the passage of water, or for navigation under or across such railway; and it shall not be lawful for the company to proceed with the execution of any of the works connected with any portion of the railway without having first obtained such a certificate as aforesaid respecting such portion of the railway, under the hands of the said commissioners or any two of them, as aforesaid; nor shall the company be at liberty to deviate from such certificate in respect to such works, nor to execute the same otherwise than in conformity therewith, without the previous approbation in writing of the said commissioners.

XXVII. It shall be lawful for the said commissioners to apply by petition in a summary way to the Court of Chancery, complaining of any omission on the part of the company to submit such plans, sections, and surveys to the said commissioners as aforesaid, or of the omission to construct any such bridge, culvert, tunnel, or other works for the passage of water, in such manner as shall be so certified by the said commissioners, and thereupon it shall be lawful for the said Court to direct such works to be made or constructed by the company in such manner as shall be conformable to the certificate of the said commissioners, and to the said Court shall seem necessary or proper, and to make from time to time such further or other order for restraining the company or any other persons from proceeding with any of the works connected with such portion of railway, except in conformity with the certificate of the said commissioners, and to issue any writ of injunction for the purpose aforesaid; and such Court shall have power to award costs to be paid by such company or persons.

XXVIII. Nothing in this or the special Act shall extend or be construed to prejudice or affect the powers or authorities of the commissioners acting in execution of the said Act, 5 & 6 Vict. c. 89, but all such powers shall be in full force as to the formation of any cut, river, or watercourse across the railway, but such powers shall not be exercised so as to prevent or obstruct the working or using of the railway.

And after reciting that it is expedient to encourage the establishment of manufactories to be worked by water power in Ireland;—

It is Enacted,—

XXIX. That whenever it may be requisite for the formation of a watercourse for manufacturing purposes to construct an arch, culvert, tunnel, or watercourse beneath or an aqueduct above any railway in Ireland, and that differences shall have arisen between the directors of such railway and the person interested in obtaining the water power, either as to the manner in which such works shall be executed, or the amount of compensation which should be paid, it shall be lawful to refer the questions in issue to the commissioners acting under the said recited Act, 5 & 6 Vict. c. 89, and their decision thereon shall be final and conclusive; and if the said commissioners shall be of opinion that the proposed works can be executed without injury to the railway, and if they shall think proper so to do, they may undertake the execution of so much of the said works as shall be in connexion with such railway, at the expense of the parties for whose benefit the watercourse shall be made, with the same powers and authorities as are given by the said Act for the execution of any works for drainage.

XXX. And with respect to the temporary occupation of lands near the railway during the construction thereof,—it is enacted as follows: Subject to the provisions herein and in the special Act contained, it shall be lawful for the company, at any time before the expiration of the period by the special Act limited for the completion of the railway, to enter upon and use any existing private road, being a road gravelled or formed with stones or other hard materials, and not being an avenue or a planted or ornamental road, or an approach to any mansion house, within the prescribed limits, if any, or, if no limits be prescribed, not being more than five hundred yards distant from the centre of the railway as delineated on the plans; but before the company shall enter upon or use any such existing road they shall give three weeks' notice of their intention to the owners and occupiers of such road, and of the lands over which the same shall pass, and shall in such notice state the time during which, and the purposes for which, they intend to occupy such road, and shall pay to the owners and occupiers of such road, and of the lands through which the same shall pass, such compensation for the use and occupation of such road, either in a gross sum of money or by half-yearly instalments, as shall be agreed upon between such owners and occupiers respectively and the company, or in case they differ about the compensation the same shall be settled by two Justices, in the same manner as any compensation not exceeding 50*l.* is directed to be settled by the said Lands Clauses Consolidation Act.

XXXI. It shall be lawful for the owners and occupiers of any such road, and of the lands over which the same passes, within ten days after the service of the aforesaid notice, by notice in writing to the company to object to the company making use of such road, on the ground that other roads, such as the company are hereinbefore authorized to use for the purposes aforesaid, or that some public road, would be more fitting to be used for the same; and upon the objection being so made such proceedings may be had as are hereinafter mentioned with respect to lands temporarily occupied by the company, in respect of which three weeks' notice is hereinafter required to be given, and in the same manner as if the provisions relative to such proceedings the word road or roads, or the words road and the land over which the same passes, as the case may require, had been substituted in such provisions for the word lands.

XXXII. Subject to the provisions herein and in the special Act contained, it shall be lawful for the company, at any time before the expiration of the period by the special Act limited for the completion of the railway, without making any previous payment, tender, or deposit, to enter upon any lands within the prescribed limits, or, if no limits be prescribed, not being more than two hundred yards distant from the centre of the railway as delineated on the plans, and not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the mansion house of the owner of any such lands than the prescribed distance, or if no distance be prescribed, then not nearer than five hundred yards therefrom, and to occupy the said lands so long as may be necessary for the construction or repair of that portion of the railway, or of the accommodation works connected therewith, hereinafter mentioned, and to use the same for any of the following purposes; (that is to say,)

For the purpose of taking earth or soil by side cuttings therefrom;

For the purpose of depositing spoil thereon;

For the purpose of obtaining materials therefrom for the construction or repair of the railway or such accommodation works as aforesaid; or

For the purpose of forming roads thereon to or from or by the side of the railway:

And in exercise of the powers aforesaid it shall be lawful for the company to deposit and also to manufacture and work upon such lands materials of every kind used in constructing the railway, and also to dig and take from out of any such lands any clay, stone, gravel, sand, or other things that may be found therein useful or proper for constructing the railway or any such roads as aforesaid, and for the purposes aforesaid to erect thereon workshops, sheds, and other buildings of a temporary nature: Provided always, that nothing in this Act contained shall exempt the company from an action for nuisance or other injury, if any done, in the exercise of the powers hereinbefore given, to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid: Provided also, that no stone or slate quarry, brick field, or other like place, which at the time of the passing of the special Act shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken or used by the company, either wholly or in part, for any of the purposes lastly hereinbefore mentioned.

XXXIII. In case any such lands shall be required for spoil banks or for side cuttings, or for obtaining materials for the construction or repair of the railway, the company shall before entering thereon (except in the case of accident to the railway requiring immediate reparation) give three weeks' notice in writing to the owners and occupiers of such lands of their intention to enter upon the same for such purposes; and in case the said lands are required for any of the other purposes hereinbefore mentioned the company shall (except in the cases aforesaid) give ten days' like notice thereof, and the company shall in such notices respectively state the substance of the provisions hereinafter contained respecting the right of such owner or occupier to require the company to purchase any such lands, or to receive compensation for the temporary occupation thereof, as the case may be.

XXXIV. The said notice shall either be served personally on such owners and occupiers, or left at their last usual place of abode, if any such can, after diligent inquiry, be found, and in case any such owner shall be absent from the United Kingdom, or cannot be found after diligent inquiry, shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

XXXV. In any case in which a notice of three weeks is hereinbefore required to be given it shall be lawful for the owner or occupier of the lands therein referred to, within ten days after the service of such notice, by notice in writing to the company to object to the company making use of such lands, either on the ground that the lands proposed to be taken for the purposes aforesaid, or some part thereof, or of the materials contained therein, are essential to be retained by such owner, in order to the beneficial enjoyment of other neighbouring lands belonging to him, or on the ground that other lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such purposes by the company; and upon objection being so made such proceedings may be had as hereinafter mentioned.

XXXVI. If the objection so made be on the ground that the lands proposed to be taken, or some part thereof, or of the materials contained therein, are essential to be retained by the owner in order to the beneficial enjoyment of other neighbouring lands belonging to him, it shall be lawful for any Justice, on the application of such owner, to summon the company to appear before two Justices at a time and place to be named in the summons, such time not being later than the expiration of the said twenty-one days' notice; and on the appearance of the company, or in their absence, upon proof of due service of the summons, it shall be lawful for such Justices to inquire into the truth of such ground of objection; and if it appear to such Justices that for some special reason, to be stated in the order after mentioned, the lands so proposed to be taken, or any part thereof, or of the materials contained therein, are essential to be retained by the owner of such lands in order to the beneficial enjoyment of other neighbouring lands belonging to him, and ought not therefore to be taken or used by the company, it shall be lawful for such Justices, by writing under their hands, to order that the lands so proposed to be taken, or some part thereof, or of the materials contained therein, to be specified in such order shall not be taken or used by the company, and after service of such order on the company it shall not be lawful for them to take or use, without the previous consent in writing of the owner thereof, any of the lands or materials which by such order they are ordered not to take or use.

XXXVII. If the objection so made as aforesaid be on the ground that other lands lying contiguous to those proposed to be taken, and being sufficient in quantity, and such as the company are hereinbefore authorized to use for the purposes aforesaid, would be more fitting to be used by the company, and if in such case the company shall refuse to occupy such other lands in lieu of those mentioned in the notice, it shall be lawful for any Justice, on the application of such owner or occupier, to summon the company and the owners and occupiers of such other lands to appear before two Justices at a time and place to be named in such summons, such time not being more than fourteen days after such application nor less than seven days from the service of such summons; and on the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such Justices to determine summarily which of the said lands shall be used by the company for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

XXXVIII. If in the case last-mentioned it shall appear to such Justices, upon the inquiry before them, that the lands of any other party not summoned before them, being sufficient in quantity, and such as the company are hereinbefore authorized to



take or use for the purposes aforesaid, would be more fitting to be used by the company than the lands of the person who shall have been so summoned as aforesaid, it shall be lawful for the said Justices to adjourn such inquiry, and to summon such other person to appear before them at any time, not being more than fourteen days from such inquiry, nor less than seven days from the service of such summons; and on the appearance of the parties, or, in the absence of any of them, on proof of due service of the summons, it shall be lawful for such Justices to determine finally which lands shall be used for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

XXXIX. Before entering, under the provisions hereinbefore contained, upon any such lands as shall be required for spoil banks or for side cuttings, or for obtaining materials or forming roads as aforesaid, the company shall, if required by the owner or occupier thereof, seven days at least before the expiration of the notice to take such lands as hereinbefore mentioned, find two sufficient persons, to be approved of by a Justice, in case the parties differ, who shall enter into a bond to such owner or occupier in a penalty of such amount as shall be approved of by such Justice, in case the parties differ, conditioned for the payment of such compensation as may become payable in respect of the same in manner herein mentioned.

XL. Before the company shall use any such lands for any of the purposes aforesaid they shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be required by the said owner or occupier for the convenient occupation of such lands, and shall also, to all private roads used by them as aforesaid, put up fences and gates in like manner, in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads, and in case of any difference between the owners or occupiers of such roads and lands and the company as to the necessity for such fences and gates, such fences and gates as any two Magistrates shall deem necessary for the purposes aforesaid, on application being made to them in like manner as hereinbefore is provided in respect to the use of such roads.

XLI. That if any land shall be taken or used by the company, under the provisions of this or the special Act, for the purpose of getting materials therefrom for the construction or repair of the railway, or the accommodation works connected therewith, they shall work the same in such manner as the surveyor or agent of the owner of such land shall direct, or, in case of disagreement between such surveyor or agent and the company, in such manner as any Justice shall direct, on the application of either party, after notice of the hearing the application shall have been given to the other party.

XLII. In all cases in which the company shall in exercise of the powers aforesaid enter upon any lands for the purpose of making spoil banks or side cuttings thereon, or for obtaining therefrom materials for the construction or repair of the railway, it shall be lawful for the owners or occupiers of such lands, or parties having such estates or interests therein as, under the provisions in the said Lands Clauses Consolidation Act mentioned, would enable them to sell or convey lands to the company, at any time during the possession of any such lands by the company, and before such owners or occupiers shall have accepted compensation from the company in respect of such temporary occupation, to serve a notice in writing on the company requiring them to purchase the said lands, or the estates and interests therein capable of being sold and conveyed by them respectively; and in such notice such owners or occupiers shall set forth the particulars of such their estate or interest in such lands, and the amount of their claim in respect thereof; and the company shall thereupon be bound to purchase the said lands, or the estate and interest therein capable of being sold and conveyed by the parties serving such notice.

XLIII. In any of the cases aforesaid, where the company shall not be required to purchase such lands, and in all other cases where they shall take temporary possession of lands by virtue of the powers herein or in the special Act granted, it shall be incumbent on the company, within one month after their entry upon such lands, upon being required so to do, to pay to the occupier of the said lands the value of any crop or dressing that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of their so taking possession of his lands, and shall also from time to time during their occupation of the said lands pay half-yearly to such occupier or to the owner of the lands, as the case may require, a rent to be fixed by two Justices, in case the parties differ, and shall also within six months after they shall have ceased to occupy the said lands, and not later than six months after the expiration of the time by the special Act limited for the completion of the railway, pay to such owner and occupier, or deposit in the Bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage or injury that may have been sustained by them by reason of the exercise, as regards the said lands, of the powers herein or in the special Act granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

XLIV. The amount and application of the purchase-money and other compensation payable by the company in any of the cases aforesaid shall be determined in the manner provided by the said Lands Clauses Consolidation Act for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

XLV. That it shall be lawful for the company, in addition to the lands authorized to be compulsorily taken by them under the powers of this or the special Act, to contract with any party willing to sell the same for the purchase of any land adjoining or near to the railway, not exceeding in the whole the prescribed number of acres for extraordinary purposes; (that is to say,)

For the purpose of making and providing additional stations, yards, wharfs, and places for the accommodation of passengers and for receiving, depositing, and loading or unloading goods or cattle to be conveyed upon the railway, and for the erection of weighing machines, toll houses, offices, warehouses, and other buildings and conveniences:

For the purpose of making convenient roads or ways to the railway, or any other purpose which may be requisite or convenient for the formation or use of the railway.

XLVI. And with respect to the crossing of roads, or other interference therewith,—it is enacted as follows: If the line of the railway cross any turnpike road or public highway, then (except where otherwise provided by the special Act) either such road shall be carried over the railway, or the railway shall be carried over such road, by means of a bridge, of the height and width and with the ascent or descent by this or the special Act in that behalf provided; and such bridge, with the immediate approaches, and all other necessary works connected therewith, shall be executed and at all times thereafter maintained at the expense of the company: Provided always, that, with the consent of two or more Justices in petty sessions, as after

mentioned, it shall be lawful for the company to carry the railway across any highway, other than a public carriage road, on the level.

**XLVII.** If the railway cross any turnpike road or public carriage road on a level, the company shall erect and at all times maintain good and sufficient gates across such road, on each side of the railway where the same shall communicate therewith, and shall employ proper persons to open and shut such gates; and such gates shall be kept constantly closed across such road on both sides of the railway, except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross such railway; and such gates shall be of such dimensions and so constructed as when closed to fence in the railway, and prevent cattle or horses passing along the road from entering upon the railway; and the person intrusted with the care of such gates shall cause the same to be closed as soon as such horses, cattle, carts, or carriages shall have passed through the same, under a penalty of 40s. for every default therein: Provided always, that it shall be lawful for the Board of Trade, in any case in which they are satisfied that it will be more conducive to the public safety that the gates on any level crossing over any such road should be kept closed across the railway, to order that such gates shall be kept so closed, instead of across the road, and in such case such gates shall be kept constantly closed across the railway, except when engines or carriages passing along the railway shall have occasion to cross such road, in the same manner and under the like penalty as above directed with respect to the gates being kept closed across the road.

**XLVIII.** Where the railway crosses any turnpike road on a level adjoining to a station, all trains on the railway shall be made to slacken their speed before arriving at such turnpike road, and shall not cross the same at any greater rate of speed than four miles an hour; and the company shall be subject to all such rules and regulations with regard to such crossings as may from time to time be made by the Board of Trade.

**XLIX.** Every bridge to be erected for the purpose of carrying the railway over any road shall (except where otherwise provided by the special Act) be built in conformity with the following regulations; (that is to say,)

The width of the arch shall be such as to leave thereunder a clear space of not less thirty-five feet if the arch be over a turnpike road, and of twenty-five feet if over a public carriage road, and of twelve feet if over a private road:

The clear height of the arch from the surface of the road shall not be less than sixteen feet for a space of twelve feet if the arch be over a turnpike road, and fifteen feet for a space of ten feet if over a public carriage road; and in each of such cases the clear height at the springing of the arch shall not be less than twelve feet:

The clear height of the arch for a space of nine feet shall not be less than fourteen feet over a private carriage road:

The descent made in the road in order to carry the same under the bridge shall not be more than one foot in thirty feet if the bridge be over a turnpike road, one foot in twenty feet if over a public carriage road, and one foot in sixteen feet if over a private carriage road, not being a tramroad or railroad, or if the same be a tramroad or railroad the descent shall not be greater than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

**L.** Every bridge erected for carrying any road over the railway shall (except as otherwise provided by the special Act) be built in conformity with the following regulations; (that is to say,)

There shall be a good and sufficient fence on each side of the bridge of not less height than four feet, and on each side of the immediate approaches of such bridge of not less than three feet:

The road over the bridge shall have a clear space between the fences thereof of thirty-five feet if the road be a turnpike road, and twenty-five feet if a public carriage road, and twelve feet if a private road:

The ascent shall not be more than one foot in thirty feet if the road be a turnpike road, one foot in twenty feet if a public carriage road, and one foot in sixteen feet if a private carriage road, not being a tramroad or railroad, or if the same be a tramroad or railroad the ascent shall not be greater than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

**LI.** Provided always, That in all cases where the average available width for the passage of carriages of any existing roads within fifty yards of the points of crossing the same is less than the width hereinbefore prescribed for bridges over or under the railway, the width of such bridges need not be greater than such average available width of such roads, but so nevertheless that such bridges be not of less width, in the case of a turnpike road or public carriage road, than twenty feet: Provided also, that if at any time after the construction of the railway the average available width of any such road shall be increased beyond the width of such bridge on either side thereof, the company shall be bound, at their own expense, to increase the width of the said bridge to such extent as they may be required by the trustees or surveyors of such road, not exceeding the width of such road as so widened, or the maximum width herein or in the special Act prescribed for a bridge in the like case over or under the railway.

**LII.** Provided also, That if the mesne inclination of any road within two hundred and fifty yards of the point of crossing the same, or the inclination of such portion of any road as may require to be altered, or for which another road shall be substituted, shall be steeper than the inclination hereinbefore required to be preserved by the company, then the company may carry any such road over or under the railway, or may construct such altered or substituted road at an inclination not steeper than the said mesne inclination of the road so to be crossed, or of the road so requiring to be altered, or for which another road shall be substituted.

**LIII.** If, in the exercise of the powers by this or the special Act granted, it be found necessary to cross, cut through, raise, sink, or use any part of any road, whether carriage road, horse road, tramroad, or railway, either public or private, so as to render it impassable for or dangerous or extraordinarily inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the company shall, before the commencement of any such operations, cause a sufficient road to be made instead of the road to be interfered with, and shall at their own expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

**LIV.** If the company do not cause another sufficient road to be so made before they interfere with any such existing road as aforesaid, they shall forfeit 20*l.* for every day during which such substituted road shall not be made after the existing road

shall have been interrupted; and such penalty shall be paid to the trustees, commissioners, surveyor, or other person having the management of such road, if a public road, and shall be applied for the purposes thereof, or in case of a private road the same shall be paid to the owner thereof, and every such penalty shall be recoverable with costs by action in any of the superior courts.

Lv. If any party entitled to a right of way over any road so interfered with by the company shall suffer any special damage by reason that the company shall fail to cause another sufficient road to be made before they interfere with the existing road, it shall be lawful for such party to recover the amount of such special damage from the company, with costs, by action on the case in any of the superior courts, and that whether any party shall have sued for such penalty as aforesaid or not, and without prejudice to the right of any party to sue for the same.

Lvi. If the road so interfered with can be restored compatibly with the formation and use of the railway, the same shall be restored to as good a condition as the same was in at the time when the same was first interfered with by the company, or as near thereto as may be; and if such road cannot be restored compatibly with the formation and use of the railway, the company shall cause the new or substituted road, or some other sufficient substituted road, to be put into a permanently substantial condition, equally convenient as the former road, or as near thereto as circumstances will allow; and the former road shall be restored, or the substituted road put into such condition as aforesaid, as the case may be, within the following periods after the first operation on the former road shall have been commenced, unless the trustees or parties having the management of the road to be restored by writing under their hands consent to an extension of the period, and in such case within such extended period; (that is to say,) if the road be a turnpike road, within six months, and if the road be not a turnpike road, within twelve months.

Lvii. If any such road be not so restored, or the substituted road so completed as aforesaid, within the periods herein or in the special Act fixed for that purpose, the company shall forfeit to the trustees, commissioners, surveyor, or other person having the management of the road interfered with by the company, if a public road, or if a private road to the owner thereof, 5*l.* for every day after the expiration of such periods respectively during which such road shall not be so restored or the substituted road completed; and it shall be lawful for the Justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

Lviii. If in the course of making the railway the company shall use or interfere with any road they shall from time to time make good all damage done by them to such road; and if any question shall arise as to the damage done to any such road by the company, or as to the repair thereof by them, such question shall be referred to the determination of two Justices; and such Justices may direct such repairs to be made in the state of such road, in respect of the damage done by the company, and within such period as they think reasonable, and may impose on the company, for not carrying into effect such repairs, any penalty not exceeding 5*l.* per day as to such Justices shall seem just; and such penalty shall be paid to the surveyor or other person having the management of the road interfered with by the company, if a public road, and be applied for the purposes of such road, or if a private road the same shall be paid to the owner thereof: Provided always, that in determining any such question with regard to a turnpike road the said Justices shall have regard to and shall make full allowance for any tolls that may have been paid by the company on such road in the course of the using thereof.

Lix. When the company shall intend to apply for the consent of two Justices, as hereinbefore provided, so as to authorize them to carry the railway across any highway other than a public carriage road on the level, they shall, fourteen days at least previous to the holding of the petty sessions at which such application is intended to be made, cause notice of such intended application to be given in some newspaper circulating in the county, and also to be affixed upon the door of the parish church of the parish in which such crossing is intended to be made, or if there be no such church some other place to which notices are usually affixed; and if it appear to any two or more Justices acting for the district in which such highway at the proposed crossing thereof is situate, and assembled in petty sessions, after such notice as aforesaid, that the railway can, consistently with a due regard to the public safety and convenience, be carried across such highway on the level, it shall be lawful for such Justices to consent that the same may be so carried accordingly.

Lx. If either party shall feel aggrieved by the determination of such Justices upon any such application as aforesaid, it shall be lawful for such party, in like manner and subject to the like conditions as are hereinafter provided in the case of appeals in respect of penalties and forfeitures, to appeal to the Quarter Sessions of the county or place in which the cause of appeal shall have arisen; and it shall be lawful for the Justices in such Quarter Sessions, upon the hearing of such appeal either to confirm or quash the determination, or to make such other order in regard to the method of carrying the railway across such highway as aforesaid, as to them shall seem fit, and to make such order concerning the costs both of the original application and of the appeal as to them shall seem reasonable.

Lxi. If the railway shall cross any highway other than a public carriageway on the level, the company shall at their own expense make and at all times maintain convenient ascents and descents and other convenient approaches, with handrails or other fences, and shall, if such highway be a bridleway, erect and at all times maintain good and sufficient gates, and if the same shall be a footway, good and sufficient gates or stiles, on each side of the railway where the highway shall communicate therewith.

Lxii. If, where the railway shall cross any highway on the level, the company fail to make convenient ascents and descents or other convenient approaches, and such handrails, fences, gates, and stiles as they are hereinbefore required to make, it shall be lawful for two Justices, on the application of the surveyor of roads, or of any two householders within the parish or district where such crossing shall be situate, after not less than ten days' notice to the company, to order the company to make such ascent and descent or other approach, or such handrails, fences, gates, or stiles as aforesaid, within a period to be limited by that purpose by such Justices: and if the company fail to comply with such order they shall forfeit 5*l.* for every day that they fail so to do; and it shall be lawful for the Justices by whom any such penalty is imposed to order the whole or any part thereof to be applied in such manner and by such person as they think fit, in executing the work in respect whereof such penalty was incurred.

LXIII. If the commissioners or trustees of any turnpike road, or the surveyor of any highway, apprehended danger to the passengers on such road in consequence of horses being frightened by the sight of the engines or carriages travelling upon the railway, it shall be lawful for such commissioners, or trustees, or surveyor, after giving fourteen days' notice to the company, to apply to the Board of Trade with respect thereto; and if it shall appear to the said Board that such danger might be obviated or lessened by the construction of any works in the nature of a screen near to or adjoining the side of such road, it shall be lawful for them, if they shall think fit, to certify the works necessary or proper to be executed by the company for the purpose of obviating or lessening such danger, and by such certificate to require the company to execute such works within a certain time after the service of such certificate, to be appointed by the said Board.

LXIV. Where by any such certificate as aforesaid the company shall have been required to execute any such work in the nature of a screen, they shall execute and complete the same within the period appointed for that purpose in such certificate; and if they fail so to do they shall forfeit to the said commissioners, or trustees, or surveyor, 5*l.* for every day during which such works shall remain uncompleted beyond the period so appointed for their completion; and it shall be lawful for the justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

LXV. Where, under the provisions of this or the special Act, or any Act incorporated therewith, the company are required to maintain or keep in repair any bridge, fence, approach, gate, or other work executed by them, it shall be lawful for two justices, on the application of the surveyor of roads, or of any two householders of the parish or district where such work may be situate, complaining that any such work is out of repair, after not less than ten days' notice to the company, to order the company to put such work into complete repair within a period to be limited for that purpose by such Justices; and if the company fail to comply with such order they shall forfeit 5*l.* for every day that they fail so to do; and it shall be lawful for the Justices by whom any such penalty is imposed to order the whole or any part thereof to be applied, in such manner and by such persons as they think fit, in putting such work into repair.

And after reciting that expense might frequently be avoided, and public convenience promoted, by a reference to the Board of Trade upon the construction of public works of an engineering nature connected with the railway, where a strict compliance with the provisions of this or the special Act might be impossible, or attended with inconvenience to the company and without adequate advantage to the public;—

It is Enacted,

LXVI. That in case any difference in regard to the construction, alteration, or restoration of any road or bridge, or other public work of an engineering nature, required by the provisions of this or the special Act, shall arise between the company and any trustees, commissioners, surveyors, or other persons having the controul of or being authorized by law to enforce the construction of such road, bridge, or work, it shall be lawful for either party, after giving fourteen days' notice in writing of their intention so to do to the other party, to apply to the Board of Trade to decide upon the proper manner of constructing, altering, or restoring such road, bridge, or other work; and it shall be lawful for the Board of Trade, if they shall think fit, to decide the same accordingly, and to authorize, by certificate in writing, any arrangement or mode of construction in regard to any such road, bridge, or other work which shall appear to them either to be in substantial compliance with the provisions of this and the special Act, or to be calculated to afford equal or greater accommodation to the public using such road, bridge, or other work; and after any such certificate shall have been given by the Board of Trade, the road, bridge, or other work therein mentioned shall be constructed by the company in conformity with the terms of such certificate, and being so constructed shall be deemed to be constructed in conformity with the provisions of this and the special Act: Provided always, that no such certificate shall be granted by the Board of Trade unless they shall be satisfied that existing private rights or interests will not be injuriously affected thereby.

LXVII. That all regulations, certificates, notices, and other documents in writing purporting to be made or issued by or by the authority of the Board of Trade, and signed by some officer appointed for that purpose by the Board of Trade, shall, for the purposes of this and the special Act, and any Act incorporated therewith, be deemed to have been so made and issued, and that without proof of the authority of the person signing the same, or of the signature thereto, which matters shall be presumed until the contrary be proved; and service of any such document, by leaving the same at one of the principal offices of the railway company, or by sending the same by post addressed to the secretary at such office, shall be deemed good service upon the company; and all notices and other documents required by this or the special Act to be given to or laid before the Board of Trade shall be delivered at, or sent by post addressed to, the office of the Board of Trade in London.

LXVIII. And with respect to works for the accommodation of lands adjoining the railway,—it is enacted as follows: The company shall make and at all times thereafter maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway; (that is to say,)

Such and so many convenient gates, bridges, arches, culverts, and passages over, under, or by the sides of or leading to or from the railway as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall be made; and such works shall be made forthwith after the part of the railway passing over such lands shall have been laid out or formed, or during the formation thereof:

Also sufficient posts, rails, hedges, mounds, or other fences for separating the land taken for the use of the railway from the adjoining lands not taken, and protecting such lands from trespass, or the cattle of the owners or occupiers thereof from straying thereout, by reason of the railway, together with all necessary gates made to open towards such adjoining lands, and not towards the railway, and all necessary stiles; and such posts, rails, and other fences shall be made forthwith after the taking of any such lands, if the owners thereof shall so require, and the said other works as soon as conveniently may be:

Also all necessary arches, tunnels, culverts, drains, or other passages, either over or under or by the sides of the railway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be; and such works shall be made from time to time as the railway works proceed:

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Also proper watering places for cattle where by reason of the railway the cattle of any person occupying any lands lying near thereto shall be deprived of access to their former watering places; and such watering places shall be so made as to be at all times as sufficiently supplied with water as theretofore, and as if the railway had not been made, or as nearly so as may be; and the company shall make all necessary watercourses and drains for the purpose of conveying water to the said watering places:

Provided always, that the company shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the railway, nor to make any accommodation works with respect to which the owners and occupiers of the lands shall have agreed to receive and shall have been paid compensation instead of the making them.

**LXIX.** If any difference arise respecting the kind or number of any such accommodation works, or the dimensions or sufficiency thereof, or respecting the maintaining thereof, the same shall be determined by two Justices; and such Justices shall also appoint the time within which such works shall be commenced and executed by the company.

**LXX.** If for fourteen days next after the time appointed by such Justices for the commencement of any such works the company shall fail to commence such works, or having commenced shall fail to proceed diligently to execute the same in a sufficient manner, it shall be lawful for the party aggrieved by such failure himself to execute such works or repairs; and the reasonable expenses thereof shall be repaid by the company to the party by whom the same shall so have been executed; and if there be any dispute about such expenses the same shall be settled by two Justices: Provided always, that no such owner or occupier or other person shall obstruct or injure the railway, or any of the works connected therewith, for a longer time nor use them in any other manner than is unavoidably necessary for the execution or repair of such accommodation works.

**LXXI.** If any of the owners or occupiers of lands affected by such railway shall consider the accommodation works made by the company, or directed by such Justices to be made by the company, insufficient for the commodious use of their respective lands, it shall be lawful for any such owner or occupier, at any time, at his own expense, to make such further works for that purpose as he shall think necessary, and as shall be agreed to by the company, or, in case of difference, as shall be authorized by two Justices.

**LXXII.** If the company so desire, all such last-mentioned accommodation works shall be constructed under the superintendence of their engineer, and according to plans and specifications to be submitted to and approved by such engineer; nevertheless the company shall not be entitled to require, either that plans should be adopted which would involve a greater expense than that incurred in the execution of similar works by the company, or that the plans selected should be executed in a more expensive manner than that adopted in similar cases by the company.

**LXXIII.** The company shall not be compelled to make any further or additional accommodation works for the use of owners and occupiers of land adjoining the railway after the expiration of the prescribed period, or, if no period be prescribed, after five years from the completion of the works, and the opening of the railway for public use.

**LXXIV.** Until the company shall have made the bridges or other proper communications which they shall under the provisions herein, or in the special Act, or any Act incorporated therewith, contained, have been required to make between lands intersected by the railway, and no longer, the owners and occupiers of such lands, and any other persons whose right of way shall be affected by the want of such communication, and their respective servants, may at all times freely pass and re-pass, with carriages, horses and other animals, directly (but not otherwise) across the part of the railway made in or through their respective lands, solely for the purpose of occupying the same lands, or for the exercise of such right of way, and so as not to obstruct the passage along the railway, or to damage the same; nevertheless, if the owner or occupier of any such lands have in his arrangements with the company received or agreed to receive compensation for or on account of any such communications, instead of the same being formed, such owner or occupier, or those claiming under him, shall not be entitled so to cross the railway.

**LXXV.** If any person omit to shut and fasten any gate set up at either side of the railway, for the accommodation of the owners or occupiers of the adjoining lands, as soon as he, and the carriage, cattle or other animals, under his care, have passed through the same, he shall forfeit for every such offence any sum not exceeding 40s.

**LXXVI.** That this or the special Act shall not prevent the owners or occupiers of lands adjoining to the railway, or any other persons, from laying down, either upon their own lands or upon the lands of other persons, with the consent of such persons, any collateral branches of railway to communicate with the railway, for the purpose of bringing carriages to or from or upon the railway, but under and subject to the provisions and restrictions of an Act, 5 & 6 Vict. c. 55, intituled 'An Act for the better Regulation of Railways, and for the Conveyance of Troops;' and the company shall, if required, at the expense of such owners and occupiers and other persons, and subject also to the provisions of the said last-mentioned Act, make openings in the rails, and such additional lines of rail as may be necessary for effecting such communication, in places where the communication can be made with safety to the public, and without injury to the railway, and without inconvenience to the traffic thereon; and the company shall not take any rate or toll or other monies for the passing of any passengers, goods, or other things along any branch so to be made by any such owner or occupier or other person; but this enactment shall be subject to the following restrictions and conditions; (that is to say,)

No such branch railway shall run parallel to the railway:

The company shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose with which such communication would interfere, nor upon any inclined plane or bridge, nor in any tunnel:

The persons making or using such branch railways shall be subject to all bye laws and regulations of the company from time to time made with respect to passing upon or crossing the railway, and otherwise; and the persons making or using such branch railways shall be bound to construct, and from time to time, as need may require, to renew, the offset plates and switches according to the most approved plan adopted by the company, and under the direction of their engineer.

LXXVII. And with respect to mines lying under or near the railway,—it is enacted as follows: The company shall not be entitled to any mines of coal, ironstone, slate, or other minerals, under any land purchased by them, except only such parts thereof as shall be necessary to be dug or carried away or used in the construction of the works, unless the same shall have been expressly purchased; and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby.

LXXVIII. If the owner, lessee, or occupier of any mines or minerals lying under the railway, or any of the works connected therewith, or within the prescribed distance, or, where no distance shall be prescribed, forty yards, therefrom, be desirous of working the same, such owner, lessee, or occupier shall give to the company notice in writing of his intention so to do thirty days before the commencement of working; and upon the receipt of such notice it shall be lawful for the company to cause such mines to be inspected by any person appointed by them for the purpose; and if it appear to the company that the working of such mines or minerals is likely to damage the works of the railway, and if the company be willing to make compensation for such mines or any part thereof to such owner, lessee, or occupier thereof, then he shall not work or get the same; and if the company, and such owner, lessee, or occupier, do not agree as to the amount of such compensation, the same shall be settled as in other cases of disputed compensation.

LXXIX. If before the expiration of such thirty days the company do not state their willingness to treat with such owner, lessee, or occupier for the payment of such compensation, it shall be lawful for him to work the said mines or any part thereof for which the company shall not have agreed to pay compensation, so that the same be done in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the district where the same shall be situate; and if any damage or obstruction be occasioned to the railway or works by improper working of such mines, the same shall be forthwith repaired or removed, as the case may require, and such damage made good, by the owner, lessee, or occupier of such mines or minerals, and at his own expense; and if such repair or removal be not forthwith done, or, if the company shall so think fit, without waiting for the same to be done by such owner, lessee, or occupier, it shall be lawful for the company to execute the same, and recover from such owner, lessee, or occupier the expense occasioned thereby, by action in any of the superior courts.

LXXX. If the working of any such mines under the railway or works, or within the above-mentioned distance therefrom, be prevented as aforesaid by reason of apprehended injury to the railway, it shall be lawful for the respective owners, lessees, and occupiers of such mines, and whose mines shall extend so as to lie on both sides of the railway, to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata, the working whereof shall be so prevented, as may be requisite to enable them to ventilate, drain, and work their said mines, but no such airway, headway, gateway, or water level shall be of greater dimensions or section than the prescribed dimensions and sections, and where no dimensions shall be described not greater than eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the railway or works, or so as to injure the same, or to impede the passage thereon.

LXXXI. The company shall from time to time pay to the owner, lessee, or occupier of any such mines extending so as to lie on both sides of the railway all such additional expenses and losses as shall be incurred by such owner, lessee, or occupier by reason of the severance of the lands lying over such mines by the railway, or of the continuous working of such mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway; and if any dispute or question shall arise between the company and such owner, lessee, or occupier as aforesaid, touching the amount of such losses or expenses, the same shall be settled by arbitration.

LXXXII. If any loss or damage be sustained by the owner or occupier of the lands lying over any such mines the working whereof shall have been so prevented as aforesaid (and not being the owner, lessee, or occupier of such mines), by reason of the making of any such airway or other work as aforesaid, which or any like work would not have been necessary to be made but for the working of such mines having been so prevented as aforesaid, the company shall make full compensation to such owner or occupier of surface lands for the loss or damage so sustained by him.

LXXXIII. For better ascertaining whether any such mines are being worked or have been worked so as to damage the railway or works, it shall be lawful for the company, after giving twenty-four hours' notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked or are supposed so to be, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus or machinery belonging to the owner, lessee, or occupier of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked or about so to be.

LXXXIV. If any such owner, lessee, or occupier of any such mine shall refuse to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall for every such refusal forfeit to the company a sum not exceeding 20*l*.

LXXXV. If it appear that any such mines have been worked contrary to the provisions of this or the special Act, the company may, if they think fit, give notice to the owner, lessee, or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the railway, and preventing injury thereto; and if after such notice any such owner, lessee, or occupier do not forthwith proceed to construct the works necessary for making safe the railway, the company may themselves construct such works, and recover the expense thereof from such owner, lessee, or occupier by action in any of the superior courts.

LXXXVI. And with respect to the carrying of passengers and goods upon the railway, and the tolls to be taken thereon,—it is enacted as follows: It shall be lawful for the company to use and employ locomotive engines or other moving power, and carriages and waggons to be drawn or propelled thereby, and to carry and convey upon the railway all such passengers and

goods as shall be offered to them for that purpose, and to make such reasonable charges in respect thereof as they may from time to time determine upon, not exceeding the tolls by the special Act authorized to be taken by them.

LXXXVII. It shall be lawful for the company from time to time to enter into any contract with any other company, being the owners or lessees or in possession of any other railway, for the passage over or along the railway by the special Act authorized to be made of any engines, coaches, waggons, or other carriages of any other company, or which shall pass over any other line of railway, or for the passage over any other line of railway of any engines; coaches, waggons, or other carriages of the company, or which shall pass over their line of railway, upon the payment of such tolls and under such conditions and restrictions as may be mutually agreed upon; and for the purpose aforesaid it shall be lawful for the respective parties to enter into any contract for the division or apportionment of the tolls to be taken upon their respective railways.

LXXXVIII. Provided always, That no such contract as aforesaid shall in any manner alter, affect, increase, or diminish any of the tolls which the respective companies, parties to such contracts, shall for the time being be respectively authorized and entitled to demand or receive from any person or any other company, but that all other persons and companies shall notwithstanding any such contract, be entitled to the use and benefit of any of the said railways, upon the same terms and conditions, and on payment of the same tolls, as they would have been in case no such contract had been entered into.

LXXXIX. Nothing in this or the special Act contained shall extend to charge or make liable the company further or in any other case than where, according to the laws of the realm, stage coach proprietors and common carriers would be liable, nor shall extend in any degree to deprive the company of any protection or privilege which common carriers or stage coach proprietors may be entitled to; but, on the contrary, the company shall at all times be entitled to the benefit of every such protection and privilege.

XC. And after reciting that it is expedient that the company should be enabled to vary the tolls upon the railway so as to accommodate them to the circumstances of the traffic, but that such power of varying should not be used for the purpose of prejudicing or favouring particular parties, or for the purpose of collusively and unfairly creating a monopoly, either in the hands of the company or of particular parties; it shall be lawful, therefore, for the company, subject to the provisions and limitations herein and in the special Act contained, from time to time to alter or vary the tolls by the special Act authorized to be taken, either upon the whole or upon any particular portions of the railway, as they shall think fit; provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton per mile or otherwise, in respect of all passengers, and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine, passing only over the same portion of the line of railway under the same circumstances; and no reduction or advance in any such tolls shall be made either directly or indirectly in-favour of or against any particular company or person travelling upon or using the railway.

XC.I. And after reciting that authority has been given by various Acts of Parliament to railway companies to demand tolls for the conveyance of passengers and goods and for other services over the fraction of a mile equal to the toll which they are authorized to demand for one mile; therefore, in cases in which any railway shall be amalgamated with any other adjoining railway or railways, such tolls shall be calculated and imposed at such rates as if such amalgamated railways had originally formed one line of railway.

XCII. It shall not be lawful for the company at any time to demand or take a greater amount of toll, or make any greater charge for the carriage of passengers or goods, than they are by this and the special Act authorized to demand; and upon payment of the tolls from time to time demandable all companies and persons shall be entitled to use the railway, with engines and carriages properly constructed as by this and the special Act directed, subject nevertheless to the provisions and restrictions of the said Act, 5 & 6 Vict. c. 55, intituled 'An Act for the better Regulation of Railways, and for the Conveyance of Troops,' and to the regulations to be from time to time made by the company by virtue of the powers in that behalf hereby and by the special Act conferred upon them.

XCIII. A list of all the tolls authorized by the special Act to be taken, and which shall be exacted by the company, shall be published by the same being painted upon one toll board or more in distinct black letters on a white ground, or white letters on a black ground, or by the same being printed in legible characters on paper affixed to such board, and by such board being exhibited in some conspicuous place on the stations or places where such tolls shall be made payable.

XCIV. The company shall cause the length of the railway to be measured, and milestones, posts, or other conspicuous objects to be set up and maintained along the whole line thereof, at the distance of one quarter of a mile from each other, with numbers or marks inscribed thereon denoting such distances.

XCV. No tolls shall be demanded or taken by the company for the use of the railway during any time at which the boards hereinbefore directed to be exhibited shall not be so exhibited, or at which the milestones hereinbefore directed to be set up and maintained shall not be so set up and maintained; and if any person wilfully pull down, deface, or destroy any such board or milestone, he shall forfeit a sum not exceeding 5*l*. for every such offence.

XCVI. The tolls shall be paid to such persons, and at such places upon or near to the railway, and in such manner and under such regulations, as the company shall, by notice to be annexed to the list of tolls, appoint.

XCVII. If, on demand, any person fail to pay the tolls due in respect of any carriage or goods, it shall be lawful for the company to detain and sell such carriage, or all or any part of such goods, or, if the same shall have been removed from the premises of the company, to detain and sell any other carriages or goods within such premises belonging to the party liable to pay such tolls, and out of the monies arising from such sale to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the overplus, if any, of the monies arising by such sale, and such of the

carriages or goods as shall remain unsold, to the person entitled thereto, or it shall be lawful for the company to recover any such tolls by action at law.

xcviii. Every person being the owner or having the care of any carriage or goods passing or being upon the railway shall, on demand, give to the collector of tolls, at the places where he attends for the purpose of receiving goods or of collecting tolls for the part of the railway on which such carriage or goods may have travelled or be about to travel, an exact account in writing signed by him of the number or quantity of goods conveyed by any such carriage, and of the point on the railway from which such carriage or goods have set out or are about to set out, and at what point the same are intended to be unloaded or taken off the railway; and if the goods conveyed by any such carriage, or brought for conveyance as aforesaid, be liable to the payment of different tolls, then such owner or other person shall specify the respective numbers or quantities thereof liable to each or any of such tolls.

xcix. If any such owner or other such person fail to give such account, or to produce his way-bill or bill of lading, to such collector or other officer or servant of the company demanding the same, or if he give a false account, or if he unload or take off any part of his lading or goods at any other place than shall be mentioned in such account, with intent to avoid the payment of any tolls payable in respect thereof, he shall for every such offence forfeit to the company a sum not exceeding 10*l*. for every ton of goods, or for any parcel not exceeding one hundred weight, and so in proportion for any less quantity of goods than one ton, or for any parcel exceeding one hundred weight, (as the case may be,) which shall be upon any such carriage; and such penalty shall be in addition to the toll to which such goods may be liable.

c. If any dispute arise concerning the amount of the tolls due to the company, or concerning the charges occasioned by any detention or sale thereof under the provisions herein or in the special Act contained, the same shall be settled by a Justice; and it shall be lawful for the company in the meanwhile to detain the goods, or (if the case so require) the proceeds of the sale thereof.

ci. If any difference arise between any toll collector or other officer or servant of the company and any owner of or person having the charge of any carriage passing or being upon the railway, or of any goods conveyed or to be conveyed by such carriage, respecting the weight, quantity, quality, or nature of such goods, such collector or other officer may lawfully detain such carriage or goods, and examine, weigh, gauge, or otherwise measure the same; and if upon such measuring or examination such goods appear to be of greater weight or quantity or of other nature than shall have been stated in the account given thereof, then the person who shall have given such account shall pay, and the owner of such carriage, or the respective owners of such goods, shall also, at the option of the company, be liable to pay, the costs of such measuring and examining; but if such goods appear to be of the same or less weight or quantity than and of the same nature as shall have been stated in such account, then the company shall pay such costs, and they shall also pay to such owner or person having charge of such carriage, and to the respective owners of such goods, such damage (if any) as shall appear to any Justice, on a summary application to him for that purpose, to have arisen from such detention.

cii. If at any time it be made to appear to any Justice, upon the complaint of the company, that any such detention, measuring, or examining of any carriage or goods, as hereinbefore mentioned, was without reasonable ground, or that it was vexatious on the part of such collector or other officer, then the collector or other officer shall himself pay the costs of such detention and measuring, and the damage occasioned thereby; and in default of immediate payment of any such costs or damage the same may be recovered by distress of the goods of such collector, and such Justice shall issue his warrant accordingly.

ciii. If any person travel or attempt to travel in any carriage of the company, or of any other company or party using the railway, without having previously paid his fare, and with intent to avoid payment thereof, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceed in any such carriage beyond such distance, without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof, or if any person knowingly and wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall for every such offence forfeit to the company a sum not exceeding 40*s*.

civ. If any person be discovered, either in or after committing or attempting to commit any such offence as in the preceding enactment mentioned, all officers and servants and other persons on behalf of the company, or such other company or party as aforesaid, and all constables, gaolers, and peace-officers, may lawfully apprehend and detain such person until he or she conveniently be taken before some Justice, or until he be otherwise discharged by due course of law.

cv. No person shall be entitled to carry, or to require the company to carry, upon the railway, any aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods which in the judgment of the company may be of a dangerous nature; and if any person send by the railway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are left, at the time of so sending, he shall forfeit to the company 20*l*. for every such offence; and it shall be lawful for the company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

cvi. If any collector of tolls or other officer employed by the company be discharged or suspended from his office, or die, abscond, or absent himself, and if such collector or other officer, or the wife, widow, or any of the family or representatives of any such collector or other officer, refuse or neglect, after seven days' notice in writing for that purpose, to deliver up to the company, or to any person appointed by them for that purpose, any station, dwelling-house, office, or other building, with its appurtenances, or any books, papers, or other matters belonging to the company in the possession or custody of any such collector or officer at the occurrence of any such event as aforesaid, then upon application being made by the company to any Justice, it shall be lawful for such Justice to order any constable, with proper assistance, to enter upon such station or other building, and to remove any person found therein, and to take possession thereof, and of any such books, papers, or other matters, and to deliver the same, to the company, or any person appointed by them for that purpose.



**CVII.** And be it enacted, That the company shall every year cause an annual account in abstract to be prepared, shewing the total receipts and expenditure of all funds levied by virtue of this or the special Act for the year ending on the 31st of December or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified by the directors, or some of them, and by the auditors, and shall, if required, transmit a copy of the said account, free of charge, to the overseers of the poor of the several parishes through which the railway shall pass, and also to the clerks of the peace of the counties through which the railway shall pass, on or before the 31st of January then next; which last-mentioned account shall be open to the inspection of the public at all reasonable hours, on payment of the sum of 1s. for every such inspection: Provided always, that if the said company shall omit to prepare or transmit such account as aforesaid, if required so to do by any such clerk of the peace or overseers of the poor, they shall forfeit for every such omission the sum of 20*l*.

**CVIII.** And with respect to the regulating of the use of the railway,—it is enacted as follows: It shall be lawful for the company, from time to time, subject to the provisions and restrictions in this and the special Act contained, to make regulations for the following purposes; (that is to say,)

For regulating the mode by which and the speed at which carriages using the railway are to be moved or propelled;

For regulating the times of the arrival and departure of any such carriages;

For regulating the loading or unloading of such carriages, and the weights which they are respectively to carry;

For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages;

For preventing the smoking of tobacco, and the commission of any other nuisance, in or upon such carriages, or in any of the stations or premises occupied by the company;

And, generally, for regulating the travelling upon, or using and working of the railway;

But no such regulation shall authorize the closing of the railway, or prevent the passage of engines or carriages on the railway, at reasonable times, except at any time when in consequence of any of the works being out of repair, or from any other sufficient cause, it shall be necessary to close the railway or any part thereof.

**CIX.** For better enforcing the observance of all or any of such regulations it shall be lawful for the company, subject to the provisions of an Act, 3 & 4 Vict. c. 97, intituled, 'An Act for regulating Railways,' to make bye-laws, and from time to time to repeal or alter such bye-laws, and make others, provided that such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the company; and any person offending against any such bye-law shall forfeit for every such offence any sum not exceeding 5*l*., to be imposed by the company in such bye-laws as a penalty for any such offence; and if the infraction or non-observance of any such bye-law or other such regulation as aforesaid be attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, it shall be lawful for the company summarily to interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such bye-law.

**CX.** The substance of such last-mentioned bye-laws, when confirmed or allowed according to the provisions of any Act in force regulating the allowance or confirmation of the same, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed and continued on the front or other conspicuous part of every wharf or station belonging to the company, according to the nature or subject-matter of such bye-laws respectively, and so as to give public notice thereof to the parties interested therein or affected thereby; and such boards shall from time to time be renewed as often as the bye-laws thereon or any part thereof shall be obliterated or destroyed; and no penalty imposed by any such bye-law shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

**CXI.** Such bye-laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such bye-laws it shall be sufficient to prove that a printed paper or painted board, containing a copy of such bye-laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such paper or board was replaced as soon as conveniently might be.

**CXII.** And with respect to leasing the railway,—it is enacted as follows: Where the company shall be authorized by the special Act to lease the railway or any part thereof to any company or person, the lease to be executed in pursuance of such authority shall contain all usual and proper covenants on the part of the lessee for maintaining the railway, or the portion thereof comprised in such lease, in good and efficient repair and working condition during the continuance thereof, and for so leaving the same at the expiration of the term thereby granted, and such other provisions, conditions, covenants, and agreements as are usually inserted in leases of a like nature.

**CXIII.** Such lease shall entitle the company or person to whom the same shall be granted to the free use of the railway or portion of railway comprised therein, and during the continuance of any such lease all the powers and privileges granted to and which might otherwise be exercised and enjoyed by the company, or the directors thereof, or their officers, agents, or servants, by virtue of this or the special Act, with regard to the possession, enjoyment, and management of the railway, or of the part thereof comprised in such lease, and the tolls to be taken thereon, shall be exercised and enjoyed by the lessee, and the officers and servants of such lessee, under the same regulations and restrictions as are by this or the special Act imposed on the company, and their directors, officers, and servants; and such lessee shall, with respect to the railway comprised in such lease, be subject to all the obligations by this or the special Act imposed on the company.

**CXIV.** And with respect to the engines and carriages to be brought on the railway,—it is enacted as follows: Every locomotive steam-engine to be used on the railway shall, if it use coal or other similar fuel emitting smoke, be constructed on the principle of consuming and so as to consume its own smoke; and if any engine be not so constructed the company or party using such engine shall forfeit 5*l*. for every day during which such engine shall be used on the railway.

**CXV.** No locomotive or other engine, or other description of moving power, shall at any time be brought upon or used on the railway unless the same have first been approved of by the company; and within fourteen days after notice given to the

company by any party desirous of bringing any such engine on the railway the company shall cause their engineer or other agent to examine such engine at any place within three miles distance from the railway to be appointed by the owner thereof, and to report thereon to the company; and within seven days after such report, if such engine be proper to be used on the railway, the company shall give a certificate to the party requiring the same of their approval of such engine; and if at any time the engineer or other agent of the company report that any engine used upon the railway is out of repair, or unfit to be used upon the railway, the company may require the same to be taken off, or may forbid its use upon the railway until the same shall have been repaired to the satisfaction of the company, and upon the engine being so repaired the company shall give a certificate to the party requiring the same of their approval of such engine; and if any difference of opinion arise between the company and the owner of any such engine as to the fitness or unfitness thereof for the purpose of being used on the railway, such difference shall be settled by arbitration.

CXVI. If any person, whether the owner or other person having the care thereof, bring or use upon the railway any locomotive or other engine, or any moving power, without having first obtained such certificate of approval as aforesaid, or if, after notice given by the company to remove any such engine from the railway, such person do not forthwith remove the same, or if, after notice given by the company not to use any such engine on the railway, such person do so use such engine, without having first repaired the same to the satisfaction of the company, and obtained such certificate of approval, every such person shall in any of the cases aforesaid forfeit to the company a sum not exceeding 20*l.*; and in any such case it shall be lawful for the company to remove such engine from the railway.

CXVII. No carriage shall pass along or be upon the railway (except in directly crossing the same, as herein or by the special Act authorized), unless such carriage be at all times, so long as it shall be used or shall remain on the railway, of the construction and in the condition which the regulations of the company for the time being shall require; and if any dispute arise between the company and the owner of any such carriage as to the construction or condition thereof, in reference to the then existing regulations of the company, such dispute shall be settled by arbitration.

CXVIII. The regulations from time to time to be made by the company respecting the carriages to be used on the railway shall be drawn up in writing, and be authenticated by the common seal of the company, and shall be applicable alike to the carriages of the company and to the carriages of other companies or persons using the railway; and a copy of such regulations shall, on demand, be furnished by the secretary of the company to any person applying for the same.

CXIX. If any carriage, not being of such construction or in such condition as the regulations of the company for the time being require, be made to pass or be upon any part of the railway (except as aforesaid), the owner thereof, or any person having for the time being the charge of such carriage, shall forfeit to the company a sum not exceeding 10*l.* for every such offence, and it shall be lawful for the company to remove any such carriage from the railway.

CXX. The respective owners of carriages using the railway shall cause to be entered with the secretary or other officer of the company appointed for that purpose the names and places of abode of the owners of such carriages respectively, and the numbers, weights, and gauges of their respective carriages; and such owners shall also, if so required by the company, cause the same particulars to be painted in legible characters on some conspicuous part of the outside of every such carriage, so as to be always open to view; and every such owner shall, whenever required by the company, permit his carriage to be weighed, measured, or gauged at the expense of the company.

CXXI. If the owner of any carriage fail to comply with the requisitions contained in the preceding enactment, it shall be lawful for the company to refuse to allow such carriage to be brought upon the railway, or to remove the same therefrom until such compliance.

CXXII. If the loading of any carriage using the railway be such as to be liable to collision with other carriages properly loaded, or to be otherwise dangerous, or if the person having the care of any carriage or goods upon the railway suffer the same or any part thereof to remain on the railway so as to obstruct the passage or working thereof, it shall be lawful for the company to cause such carriage or goods to be unloaded and removed in any manner proper for preventing such collision or obstruction, and to detain such carriage or goods, or any part thereof, until the expenses occasioned by such unloading, removal, or detention be paid.

CXXIII. The company shall not be liable for any damage or loss occasioned by any such unloading, removal, or detention as aforesaid, except for damage wilfully or negligently done to any carriage or goods so unloaded, removed, or detained; nor shall they be liable for the safe custody of any such carriage or goods so detained, unless the same be wrongfully detained by them, and then only for so long a time as the same shall have been so wrongfully detained.

CXXIV. The respective owners of engines and carriages passing or being upon the railway shall be answerable for any trespass or damage done by their engines or carriages, or by any of the servants or persons employed by them, to or upon the railway, or the machinery or works belonging thereto, or to or upon the property of any other person; and every such servant or other person may lawfully be convicted of such trespass or damage before any two Justices of the Peace, either by the confession of the party offending, or upon the oath of some credible witness; and upon such conviction every such owner shall pay to the company, or to the person injured, as the case may be, the damage to be ascertained by such Justices, so that the same do not exceed 50*l.*

CXXV. It shall be lawful for any owner of an engine or carriage who shall pay the amount of any damage caused by the misfeasance or negligence of any servant or other person employed by him to recover the amount so paid by him from such servant or other person by the same means as the company are enabled to recover the amount of such damage from the owner of any engine or carriage.

CXXVI. And with respect to the settlement of disputes by arbitration,—it is enacted as follows: When any dispute authorized or directed by this or the special Act, or any Act incorporated therewith, to be settled by arbitration, shall have arisen,

then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall nominate and appoint an arbitrator to whom such dispute shall be referred; and every appointment of an arbitrator shall be made on the part of the company, under the hand of the secretary or any two of the directors of the company, and on the part of any other party under the hand of such party, or if such party be a corporation aggregate, under the common seal of such corporation, and such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matters so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties; and such arbitrator may proceed to hear and determine the matters which shall be in dispute; and in such case the award or determination of such single arbitrator shall be final.

CXXVII. If before the matters so referred shall be determined any arbitrator appointed by either party die, or become incapable to act, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so the remaining or other arbitrator may proceed *ex parte*; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or incapacity as aforesaid.

CXXVIII. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under this or the special Act; and if such umpire shall die, or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final.

CXXIX. If in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration neglect to appoint an umpire, the Board of Trade shall, on the application of either party to such arbitration, appoint an umpire; and the decision of such umpire on the matters on which the arbitrators shall differ, or which shall be referred to him under this or the special Act, shall be final.

CXXX. If, where a single arbitrator shall have been appointed, such arbitrator shall die, or become incapable to act, before he shall have made his award, the matters referred to him shall be determined by arbitration, under the provisions of this or the special Act, in the same manner as if such arbitrator had not been appointed.

CXXXI. If, where more than one arbitrator shall have been appointed, either of the arbitrators refuse, or for seven days neglect to act, the other arbitrator may proceed *ex parte*, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

CXXXII. If, where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time, if any, as shall have been appointed for that purpose by both such arbitrators under their hands, the matter referred to them shall be determined by the umpire to be appointed as aforesaid.

CXXXIII. The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

CXXXIV. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him he shall, in the presence of a Justice, make and subscribe the following declaration; that is to say,  
 'I A. B. do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me, under the provisions of the Act [naming the special Act].  
 A. B.  
 'Made and subscribed in the presence of

And such declaration shall be annexed to the award when made; and if any arbitrator or umpire, having made such declaration, shall wilfully act contrary thereto, he shall be guilty of a misdemeanour.

CXXXV. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the costs of and attending every such arbitration, to be determined by the arbitrators, shall be in the discretion of the arbitrators.

CXXXVI. The submission to any such arbitration may be made a rule of any of the superior courts, on the application of either of the parties.

CXXXVII. No award made with respect to any question referred to arbitration under the provisions of this or the special Act shall be set aside for irregularity or error in matter of form.

CXXXVIII. That any summons or notice, or any writ, or other proceeding at law or in equity, requiring to be served upon the company, may be served by the same being left at or transmitted through the post directed to the principal office of the company, or one of their principal offices where there shall be more than one, or being given personally to the secretary, or in case there be no secretary then by being given to any one director of the company.

CXXXIX. That if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if

before action brought in respect thereof such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made it shall be lawful for the defendant, by leave of the Court where such action shall be pending, at any time before issue joined to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

CXL. And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices,—it is enacted as follows: In all cases where any damages, costs, or expenses, are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by two Justices; and if the amount so ascertained be not paid by the company or other party liable to pay the same within seven days after demand, the amount may be recovered by distress of the goods of the company or other party liable as aforesaid; and the Justices by whom the same shall have been ordered to be paid, or either of them, or any other Justice, on application, shall issue their or his warrant accordingly.

CXLI. If sufficient goods of the company cannot be found whereon to levy any such damages, costs, and expenses payable by the company, the same may, if the amount thereof do not exceed 20*l.*, be recovered by distress of the goods of the treasurer of the company; and the Justices aforesaid, or either of them, on application, shall issue their or his warrant accordingly; but no such distress shall issue against the goods of such treasurer unless seven days previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and if such treasurer pay any money under such distress as aforesaid he may retain the amount so paid by him, and all costs and expenses occasioned thereby, out of any money belonging to the company, coming into his custody or controul, or he may sue the company for the same.

CXLII. Where in this or the special Act any question of compensation, expenses, charges, or damages, or other matter, is referred to the determination of any one Justice or more, it shall be lawful for any Justice, upon the application of either party, to summon the other party to appear before one Justice, or before two Justices, as the case may require, at a time and place to be named in such summons; and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such one Justice, or such two Justices, as the case may be, to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, on oath; and the cost of every such inquiry shall be in the discretion of such Justices, and they shall determine the amount thereof.

CXLIII. The company shall publish the short particulars of the several offences for which any penalty is imposed by this or the special Act, or by any bye-law of the company affecting other persons than the shareholders, officers, or servants of the company, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the company, and where any such penalties are of local application shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner hereinbefore required.

CXLIV. If any person pull down or injure any board put up or affixed as required by this or the special Act for the purpose of publishing any bye-law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding 5*l.*, and shall defray the expenses attending the restoration of such board.

CXLV. Every penalty or forfeiture imposed by this or the special Act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two Justices; and on complaint being made to any Justice he shall issue a summons requiring the party complained against to appear before two Justices at a time and place to be named in such summons, and every such summons shall be served on the party offending either in person or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for any two Justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such Justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such Justices shall think fit.

CXLVI. If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by distress, and such Justices, or either of them, shall issue their or his warrant of distress accordingly.

CXLVII. It shall be lawful for any such Justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the Justice, for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing such warrant of distress it shall appear to the Justice, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Justice whereon to levy such penalty or forfeiture and costs, he may, if he thinks fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall by warrant cause such offender to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such penalty or forfeiture and costs be sooner paid and satisfied.

CXLVIII. Where in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money, and the expenses of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.

CXLIX. No distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

CL. The Justices by whom any such penalty or forfeiture shall be imposed may, where the application thereof is not otherwise provided for, award not more than one half thereof to the informer, and shall award the remainder to the overseers of the poor of the parish in which the offence shall have been committed, to be applied in aid of the poor's rate of such parish, or if the place wherein the offence shall have been committed shall be extra-parochial, then such Justices shall direct such remainder to be applied in aid of the poor's rate of such extra-parochial place, or, if there shall not be any poor's rate therein, in aid of the poor's rate of any adjoining parish or district.

CL. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before a Justice, unless the complaint respecting such offence shall have been made before such Justice within six months next after the commission of such offence.

CLII. If, through any act, neglect, or default on account whereof any person shall have incurred any penalty imposed by this or the special Act, any damage to the property of the company shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty; and the amount of such damages shall, in case of dispute, be determined by the Justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages, on demand, the same shall be levied by distress, and such Justices, or one of them, shall issue their or his warrant accordingly.

CLIII. It shall be lawful for any Justice to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction under the provisions of this or the special Act, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath or to give evidence before such Justice, every such person shall forfeit a sum not exceeding 5*l.* for every such offence.

CLIV. It shall be lawful for any officer or agent of the company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the special Act, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before some Justice, without any warrant or other authority than this or the special Act; and such Justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

CLV. The Justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the Schedule to this Act annexed.

CLVI. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts.

CLVII. If any party shall feel aggrieved by any determination or adjudication of any Justice with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the General Quarter Sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a Justice, conditioned duly to prosecute such appeal, and to abide the order of the Court thereon.

CLVIII. At the Quarter Sessions for which such notice shall be given the Court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

CLIX. Provided and enacted, That notwithstanding anything herein or in the special Act, or any Act incorporated therewith, contained, every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied in the same manner as penalties or forfeitures, other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act 2 & 3 Vict. c. 71, intitled 'An Act for regulating the Police Courts in the Metropolis;' and every order or conviction of any of the police magistrates, in respect of any such forfeiture or penalty shall be subject to the like appeal, and upon the same terms, as is provided in respect of any order or conviction of

any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction shall have been made shall have the same power of binding over the witnesses who shall have been examined, and such witnesses shall be entitled to the same allowance of expenses as he or they would have had or been entitled to in case the order, conviction, and appeal had been made in pursuance of the provisions of the said last-mentioned Act.

CLX. That every person who, upon any examination upon oath, under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

CLXI. Declared and enacted, That all sums of money which have been or shall be paid into the Bank of Ireland in the name and with the privity of the Accountant General of the Court of Chancery of Ireland, under the provisions of an Act, 1 & 2 Vict. c. 117, intituled 'An Act to provide for the Custody of certain Monies paid in pursuance of the Standing Orders of either House of Parliament by Subscribers to Works or Undertakings to be effected under the Authority of Parliament,' shall and may be paid out and applied under any order of the said Court of Chancery exempt from ushers poundage.

CLXII. And with respect to the provision to be made for affording access to the special Act by all parties interested,—it is enacted as follows: The company shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty, or some of them; shall also within the space of such six months deposit in the office of each of the clerks of the peace of the several counties into which the works shall extend a copy of such special Act, so printed as aforesaid; and the said clerks of the peace shall receive, and they and the company respectively shall retain, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act, 7 Will. 4. & 1 Vict. c. 83, intituled 'An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

CLXIII. If the company shall fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the special Act, they shall forfeit 20*l.* for every such offence, and also 5*l.* for every day afterwards during which such copy shall be not so kept or deposited.

CLXIV. That this Act shall not extend to Scotland.

CLXV. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

#### SCHEDULE referred to by the foregoing Act.

to wit.

Be it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ A.D. is convicted before us, C., D., Two of Her Majesty's Justices of the Peace for the County of \_\_\_\_\_ [here describe the Offence generally, and the time and place when and where committed], contrary to the [here name the special Act]. Given under our Hands and Seals the Day and Year first above written.

C.  
D.

#### CAP. XXI.

AN ACT to amend an Act of the Fifty-third of George the Third, for appointing a Stipendiary Magistrate for the Townships of Manchester and Salford; and to provide a Stipendiary Magistrate for the Division of Manchester.

(8th May 1845.)

This Act, after reciting the passing of 53 Geo. 3. c. 72, and 7 & 8 Vict. c. 30, contains the following clauses:—

- I. Repeal of parts of first-recited Act.
- II. Residence of the Justice.
- III. Sittings of the Justice in Salford.
- IV. Sittings in Worsley, &c.
- V. In case of holding more frequent sittings at Worsley, &c. the Justices may appoint a separate clerk for each of the places.
- VI. Justices of division may direct a sitting to be periodically holden within any other of the townships.
- VII. Providing for attendance of Justice at Salford being supplied by any other Justice, and regulating times of sitting in other places than New Bailey Court House.
- VIII. Justices of the Peace for Lancashire and for the borough of Salford to have jurisdiction within such borough.
- IX. Authorizing the suspension of sittings directed by Justices elsewhere than at New Bailey Court House.

- x. For appointment of divisional clerk to the Justices, and their removal.
- xi. Authorizing the payment of stipend to the Justice and to the clerk.
- xii. 300*l.* per annum to be paid out of the Salford Borough Fund towards the Justice's salary.
- xiii. Town council of Salford may order a sum not exceeding 400*l.* to be paid to the clerk out of the borough fund.
- xiv. No fees to be taken but at the public places of sitting.—Process returnable at any place without the division void.
- xv. Clerk to the Justice for borough business to receive all fees, and keep an account thereof, and pay them to the treasurer of the borough.
- xvi. Clerk to Justice for divisional business to receive fees, and render an account thereof;—as also the clerks for Worsley, &c.
- xvii. Fees received by clerk for divisional business and by the clerks for Worsley, &c. to be carried to account of a general fund.
- xviii. Clerks disqualified from acting as attorneys in certain cases.
- xix. Justices may make rates for payment of expenses under this Act.
- xx. Mode of ascertaining value of rateable property.
- xxi. Powers of County Rate Acts applied to this Act.
- xxii. Overseers of the poor to levy the rates.
- xxiii. Application of penalties.
- xxiv. Application of monies received for recognizances estreated.
- xxv. Certain powers of first-recited Act to remain in force.
- xxvi. For payment of expenses of Act.
- xxvii. Interpretation of words.
- xxviii. Public Act.

## CAP. XXII.

AN ACT to enable the Commissioners of *Greenwich Hospital* to widen and improve *Fisher Lane in Greenwich*; and for other Purposes connected with the Estates of the said Commissioners.

(8th May 1845.)

This Act contains the following clauses:—

- i. Commissioners of Greenwich Hospital empowered to widen Fisher Lane, &c.
- ii. Power to purchase houses, lands, &c.
- iii. If houses, &c. not purchased or valued within a certain time powers of purchase to cease.
- iv. Parties surveying not to be deemed trespassers.
- v. Authorizing incapacitated persons and others to treat with the Commissioners for the purchase of buildings, &c.
- vi. Messuages, &c. when conveyed to be settled to the same uses.
- vii. In case parties refuse to treat, the value, &c. to be settled by a jury.
- viii. Jury not to award compensation for injury or damage without the consent of Commissioners of Greenwich Hospital unless notice of such claim shall have been given.
- ix. Penalty on sheriff, jury, &c. making default.
- x. By whom expenses shall be paid.
- xi. Minute of all judgments to be deposited with the clerk of the peace for the county.
- xii. Application of compensation money when exceeding 200*l.*, belonging to incapacitated persons.
- xiii. When less than 200*l.* and exceeding 20*l.*
- xiv. When not exceeding 20*l.*
- xv. In case of not making out title of absence or of refusal to convey, the money to be paid into the Bank.
- xvi. In case of disputed titles persons in possession to be deemed peremptorily entitled to the money.
- xvii. Court of Chancery may order reasonable expenses of purchases and costs to be paid by the said Commissioners.
- xviii. Expenses of titles to be paid by the said Commissioners.
- xix. How such costs are to be ascertained.
- xx. How price of land to be ascertained in case of difference.
- xxi. Lands, &c. to vest in Commissioners after payment or tender of purchase-money.
- xxii. Determination of differences as to consideration for release of hereditaments from charges.

- XXIII. When part only of hereditaments so charged are required, the apportionment of charge may be settled by agreement.
- XXIV. Where part of hereditaments taken, remaining portion to be subject to whole of charge.
- XXV. As to apportionment of rent of hereditaments where part only required for purposes of the Act.
- XXVI. Compensation to leaseholders.
- XXVII. Compensation to yearly tenants.
- XXVIII. Parties claiming satisfaction in respect of unexpired terms to produce leases.
- XXIX. Incumbrancer, on tender of amount due, immediately to assign interests to Commissioners.
- XXX. In case mortgage money amount to more than the value of the premises, the mortgagors, on payment of value of hereditaments, to assign their interest to Commissioners.
- XXXI. Powers given to Commissioners to apply to purchases already made as well as to purchases to be made.
- XXXII. Power to arch over drains, &c.
- XXXIII. Power to stop up certain roads.
- XXXIV. After formation of new street, same to be a public highway.
- XXXV. Roads and ways not to be stopped up till Fisher Lane widened.
- XXXVI. Passage between Ship Dock and Ship Tavern to be opened before said roads, &c. are stopped up.
- XXXVII. Power of Commissioners to lease mines, &c. for twenty-one years authorized by 10 Geo. 4. c. 25. extended to leasing them for forty-two years, subject to the provisions in the said Act.
- XXXVIII. Public Act.

## CAP. XXIII.

AN ACT for raising the Sum of Nine millions three hundred and seventy-nine thousand six hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and forty-five.

(20th May 1845.)

By this Act, the Commons grant and it is enacted,—

- I. That the Treasury may raise 9,379,600*l.* by Exchequer bills, in like manner as is prescribed by 48 Geo. 3. c. 1, 4 & 5 Will. 4. c. 15, 5 & 6 Vict. c. 66.
- II. The clauses, &c. in recited Acts extended to this Act.
- III. The Treasury to apply the money raised.
- IV. Bills, how to be charged and paid.
- V. Interest on bills.
- VI. Bills charged on supplies to be current in payment of public revenue after twelve calendar months from their dates.
- VII. Bank of England may advance 9,379,600*l.* on the credit of bills, notwithstanding 5 & 6 W. & M. c. 20.

## CAP. XXIV.

AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth day of *March*, One thousand eight hundred and forty-six.

(30th June 1845.)

This Act contains the following clauses:—

- I. Persons who have omitted to qualify themselves as required by the recited Acts indemnified and allowed further time.
- II. Indemnity to those who have omitted to make and subscribe the oath and declaration required by the Irish Act of 2 Anne.
- III. Not to indemnify persons against whom final judgment has been given.
- IV. Not to exempt Justices acting without legal qualification.
- V. Admissions to corporations may be stamped after the time allowed.
- VI. Not to restore persons to any office avoided by judgment.
- VII. General issue.



## CAP. XXV.—IRELAND.

AN ACT to amend Two Acts passed in *Ireland*, for the better Education of Persons professing the Roman Catholic Religion, and for the better Government of the College established at *Maynooth*, for the Education of such Persons, and also an Act passed in the Parliament of the United Kingdom for amending the said Two Acts.

(30th June 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Trustees of the College of Maynooth incorporated.*
2. *Such corporate body may take and possess any personal property, and also lands not exceeding the annual value of 3,000*l.*, exclusive of the property already acquired by the trustees.*
3. *Lands, &c. now possessed by the trustees of Maynooth College to vest in the said body politic and corporate.*
4. *Provision made for salaries of the president, vice-president, officers, and professors, and for an increased number of professors.*
5. *Provision for the senior students on the Dunboyns establishment.*
6. *Provision made for 500 free students, 250 in the three senior classes, and 250 in the four junior classes.*
7. *Provision for the expense of commons and other necessaries.*
8. *Commissioners of Public Works to be commissioners for repairs to Maynooth College, and for the erection of additional buildings, and furnishing same.*
9. *Power to Commissioners of Public Works to purchase or provide necessary buildings, lands, &c.*
10. *The expense of buildings, &c. for such college, not exceeding 30,000*l.*, to be paid out of the Consolidated Fund.*
11. *Sums payable by this Act to be charged on the Consolidated Fund.*
12. *Audit of the expenditure under this Act.*
13. *So much of the recited Acts as appoints the persons herein mentioned to be visitors of the college repealed.*
14. *Appointment of visitors of the college.*
15. *Visitations to be held once in the year.*
16. *Additional visitations, when ordered by the Lord Lieutenant.*
17. *Authority of visitors not to affect the exercise of the Roman Catholic religion.*
18. *Visitorial powers in matters of religion.*
19. *Minutes of the proceedings of visitors to be kept.*
20. *Alteration of the Act.*

## By this Act,

After reciting that, by 35 Geo. 3. (I.), it was amongst other things enacted, that the Lord Chancellor or Lord Keeper of Ireland, the Lord Chief Justice of the Court of King's Bench in Ireland, the Lord Chief Justice of the Court of Common Pleas in Ireland, and the Lord Chief Baron of the Court of Exchequer in Ireland, for the time being, together with certain other persons therein named, and the persons thereafter to be elected in the manner by the said Act directed, should be trustees for the purpose of establishing, endowing, and maintaining one academy for the education only of persons professing the Roman Catholic religion, and that the said trustees should have full power and authority to receive subscriptions and donations to enable them to establish and endow an academy for the education of persons professing the Roman Catholic religion, and to purchase and acquire lands not exceeding the annual value of 1,000*l.*, and to erect and maintain all such buildings as might be by the said trustees deemed necessary for the lodging and accommodation of the president, masters, professors, fellows, and students who should from time to time be admitted into or reside in said academy; and it was further enacted, that it should and might be lawful for any popish ecclesiastic to officiate in a chapel or building to be appointed for that purpose by the said trustees or any seven or more of them, any law, statute, or provision to the contrary notwithstanding. And that, by 40 Geo. 3. (I.), after reciting that a college or seminary had been established at Maynooth for the education of persons professing the Popish or Roman Catholic religion, and that large sums of money had been granted to the trustees named in the Act hereinbefore recited, to enable them to improve and extend the said institution, and that it had become necessary to make further provision for the good government of the said college or seminary, it was amongst other things enacted, that the Lord Chancellor or Lord Keeper of the Great Seal, the Lord Chief Justice of the Court of King's Bench, the Lord Chief Justice of the Court of Common Pleas, the Chancellor of the Exchequer, and the Lord Chief Baron of the Court of Exchequer should cease to be trustees for carrying the said first-recited Act into execution, and that their successors in the said offices respectively should not thereafter be trustees by virtue of the said first-recited Act for carrying it into execution, and that the other persons named in the said first-recited Act in that behalf, or such other persons as had been elected or thereafter should be elected to fill any vacancy occasioned by the death, removal, or resignation of any such person respectively, should continue trustees for the execution of the said first-recited Act, as fully and effectually, to all intents and purposes, as if the said Act now in recital had not been enacted: And that, by 48 Geo. 3. c. cxlv. it was amongst other things enacted, that it should be lawful for the trustees for the time being of the said college or academy, or any seven or more of them, to purchase or acquire lands not exceeding in value the annual sum of 1,000*l.*, exclusive of the value of lands and premises held under a lease from William Robert, late Duke of Leinster, and the buildings thereon or thereafter to be erected, and used for the purposes of the said college or academy; and it was provided and further enacted, that any lands, tenements, or hereditaments already purchased or acquired under or by virtue of the power for that purpose given to the said trustees or any seven or more of them in and by the said hereinbefore first-recited Act should be deemed part of the lands

which they were so authorized to purchase or acquire as aforesaid, and that no more lands, tenements, or hereditaments should be purchased or acquired by the said trustees or any seven or more of them than what, together with any lands already purchased or acquired by them, would amount to the annual value of 1,000*l*. And that it is productive of inconvenience and insecurity that the said trustees can take no effectual grants of lands for the purposes of the said college or seminary to them and their successors; and it is therefore expedient that the said trustees should be incorporated:

It is Enacted,

I. That the trustees of the said college or seminary, and their successors for ever, shall be one body politic and corporate by the name of "The Trustees of the College of Maynooth," and by that name shall have perpetual succession and a common seal, and by that name shall and may sue and be sued, and shall have and possess the several powers and authorities vested in the said trustees under the said recited Acts.

II. That the said body politic and corporate, and their successors, by the said name, shall be for ever able and capable in law to take, purchase, receive, possess, hold, and enjoy to them and their successors any goods or chattels or personal property whatsoever, and also be able and capable in law (notwithstanding the Statutes in Mortmain) to take, purchase, hold, and enjoy to them and their successors any messuages, lands, tenements, or hereditaments whatsoever, the yearly value of which shall not exceed in the whole the sum of 3,000*l*., exclusive of the value of any lands, tenements, or hereditaments already purchased or acquired by the said trustees; and it shall be lawful for all and every person and persons, and bodies politic and corporate, otherwise competent, to grant, sell, alien, and convey in mortmain unto and to the use of the said body politic and corporate incorporated by this Act any messuages, lands, tenements, and hereditaments not exceeding in the whole such annual value as aforesaid.

III. That all lands, tenements, or hereditaments which have been at any time heretofore purchased or in any manner acquired by the trustees of the said college, or any seven or more of them, under or by virtue of the powers for that purpose given to them by any of the said hereinbefore recited Acts, shall be and the same are thereby vested in the said body politic and corporate incorporated by this Act, subject to the trusts upon which the said lands, tenements, and hereditaments are now respectively held.

And after reciting that it is expedient that provision should be made for the payment of the salaries of the president, vice-president, officers, and professors of the said college, and for the expense of commons, attendance, and other necessaries to be supplied to and for their use, and that the number of professors therein should be increased;—

It is Enacted,

IV. That from and after the passing of this Act there shall be paid and payable to the said body politic and corporate, for the purposes aforesaid, any sum or sums of money not exceeding in the whole the annual sum of 6,000*l*.

And after reciting that by the statutes of the said college there has been established therein an order of students called "Senior Students," amounting to twenty in number, to whose exclusive benefit has been applied the annual revenue arising from the bequest of Baron Dunboyne, in said statutes mentioned, together with a further yearly sum of 700*l*. out of the annual parliamentary grant made to the said college: and that it is expedient that the provision for the said senior students on the Dunboyne establishment should be augmented;—

It is Enacted,

V. That from and after the passing of this Act, so long as the annual revenue arising from the said bequest of Baron Dunboyne shall be applied to the exclusive benefit of the said twenty senior students, there shall be paid and payable to the said body politic and corporate, for the said twenty senior students, the annual sums for that purpose specified in the Schedule (A.) to this Act annexed.

And after reciting that there are three senior and four junior classes in the said college, and 250 free students on the establishment, maintained and educated out of the annual parliamentary grant made to the said college: and that it is expedient that provision should be made for an additional number of free students; (that is to say,) for 250 free students in the said three senior classes, and 250 free students in the said four junior classes;—

It is Enacted,

VI. That from and after the passing of this Act there shall be paid and payable to the said body politic and corporate, for each of the said 250 free students in the said three senior classes, the annual sums for that purpose specified in the Schedule (A.) to this Act annexed.

VII. That in order to provide for the expense of commons, attendance, and other necessaries to be supplied to and for the use of the said senior students on the Dunboyne Establishment, and to and for the use of the said 500 free students, there shall be paid and payable to the said body politic and corporate, for the purposes aforesaid, any sum or sums of money not exceeding in the whole the annual sum of 28*l*. for each such student.

And after reciting that the buildings for the public purposes of the said college, and for the lodging and accommodation of the professors and students, are inadequate and insufficient and out of repair, and it is expedient that provision should be made for the erection of additional buildings for the purposes aforesaid, and that the present buildings should be put into efficient repair, and that said buildings, together with the additions to be made thereto, should from time to time be kept in repair, and provided with sufficient and necessary furniture;—

It is Enacted,

VIII. That the Commissioners of Public Works in Ireland for the time being shall be and they are hereby constituted Commissioners for the purpose of purchasing, renting, or providing, as hereinafter mentioned, any houses, buildings, lands,

tenements, or hereditaments that may be necessary for the said college and the purposes aforesaid, and for erecting thereon suitable and necessary buildings and improvements, and for enlarging, improving, upholding, maintaining, repairing, fitting up, and furnishing from time to time the said college, and the buildings and premises occupied therewith.

ix. That in order to enable the said Commissioners of Public Works in Ireland to purchase and provide the buildings, lands, tenements, or hereditaments which may be required for the said college, and the additions to be made thereto, it shall and may be lawful for the said Commissioners, at the request of the said body politic and corporate, and by and with the consent and approbation in writing of the Commissioners of Her Majesty's Treasury, to contract and agree with any person or persons, or body or bodies corporate or politic, for the purchase or renting of any buildings, lands, tenements, or hereditaments required for such college, and in order to make the necessary additions thereto, and also for the purchase of any subsisting leases, terms, estates, or interests therein or charges thereon; and the said buildings, lands, tenements, or hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to the said trustees of the College of Maynooth incorporated by this Act.

x. That all and every the expense of purchasing or providing the houses, buildings, lands, tenements, or hereditaments necessary for the said college under the provisions of this Act, and of erecting the necessary buildings for the same, and of putting the said college into repair, and of fitting up and furnishing the same and the buildings so to be erected, not exceeding in the whole the sum of 30,000*l.*, shall be discharged and paid by the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

xi. That the several sums payable by this Act and the Schedule thereto annexed shall be charged upon and payable by the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

xii. That the accounts of the receipt and expenditure of all monies paid under the provisions of this Act shall once in each year be forwarded to the Commissioners of Her Majesty's Treasury by the said body politic and corporate incorporated by this Act, and shall be by the said Commissioners referred for audit to such person or persons as the said Commissioners shall from time to time in that behalf appoint; and that the said person or persons so appointed shall thereupon proceed to the examination, audit, and discharge of the said accounts, at such time and in such manner as the said Commissioners shall direct, and shall for that purpose have and exercise all the powers and authorities now possessed by the Commissioners for auditing public accounts by virtue of any Act or Acts now in force.

And after reciting that it was enacted by the said Act secondly above recited, that the Lord Chancellor or Lord Keeper of the Great Seal of Ireland for the time being, the Lord Chief Justice of His Majesty's Court of King's Bench in Ireland for the time being, the Lord Chief Justice of His Majesty's Court of Common Pleas in Ireland for the time being, the Chancellor of the Exchequer and the Lord Chief Baron of His Majesty's Court of Exchequer in Ireland for the time being, and their successors in the said offices respectively, together with certain other persons in the said Act named, should be and they were thereby nominated and appointed visitors of the said college or seminary, with full visitatorial powers to superintend the same:—

It is Enacted,

xiii. That from and after the passing of this Act so much of the said recited Acts as enact that the Lord Chancellor or Lord Keeper of the Great Seal, the Lord Chief Justice of the Court of King's Bench, the Lord Chief Justice of the Court of Common Pleas, the Chancellor of the Exchequer, and the Lord Chief Baron of the Exchequer, and their successors in the said offices respectively, shall have visitatorial power over the said academy or college, and over all persons on the foundation or educated therein, shall be and the same is hereby repealed.

xiv. That the other visitors in being at the time of the passing of this Act, or such other persons as shall hereafter be elected to fill any vacancy on the death or resignation of such visitors, according to the provisions of the Act hereinbefore secondly recited, together with such other five persons as Her Majesty shall by warrant under the sign manual from time to time nominate and appoint, shall be hereafter the visitors of the said college and corporation.

And after reciting that by the said Act hereinbefore secondly recited it is amongst other things enacted, that the visitors of the said Act mentioned, or any three or more of them, should once in every three years from the passing of the said Act visit the said college or seminary, and call before them the president, vice-president, professors, tutors, and all other members thereof, and the officers and servants of the said college or seminary, and diligently inquire into the government and management of the said college or seminary, and, if necessary, examine on oath every member thereof in all matters touching the management, government, and discipline of the same, or any violation of the statutes or ordinances which had been or should be made for the admission of any member of the said college or seminary, or for the government or discipline of the same, and that the first visitation of the said college should be held as aforesaid within twelve months after the passing of the said Act: And that it is expedient that, instead of triennial visitations by the said last recited Act appointed, visitations should be held not less than once in each year therein;—

It is Enacted,

xv. That the visitors by this Act appointed, or any three or more of them, shall once in every year from the passing of this Act visit the said college or seminary, and inquire in manner aforesaid into the management, government, and discipline of the same, and shall have the several powers and authorities vested in the visitors under the said Act secondly hereinbefore recited; and that the first visitation of the said college shall be held within twelve months after the passing of this Act.

xvi. That, in addition to such periodical or ordinary visitation, the visitors by this Act appointed, or any three of them shall in like manner visit the said college whensoever and so often as they shall be thereunto required by the Lord Lieutenant or other chief governor or governors of Ireland for the time being, by warrant or order signed by him or them.

XVII. Provided and enacted, That the authority of the said visitors shall not extend to or in any manner affect the exercise of the Roman Catholic religion or the religious doctrine or discipline thereof within the said college or seminary, otherwise than as hereinafter is provided; and that in visiting the said college or seminary the said visitors shall judge and determine according to such bye-laws, rules, and regulations as have been or shall be made for the government and discipline thereof, pursuant to the provisions of the said recited Acts or of this Act respectively.

And after reciting that by the said Act hereinbefore secondly recited it is amongst other things enacted, that in all matters which relate to the exercise, doctrine, and discipline of the Roman Catholic religion the visitatorial power over the said college shall be exercised exclusively by such of the said visitors as are or shall be of the Roman Catholic religion, in the presence of the Lord Chancellor or Lord Keeper of the Great Seal, and of the three Chief Judges, and the Chancellor of the Exchequer, if they or any of them shall think proper to attend;—

It is Enacted,

XVIII. That in all matters which relate to the exercise, doctrine, and discipline of the Roman Catholic religion the visitatorial power over the said college shall be exercised exclusively by such of the said visitors of the Roman Catholic religion as have been or shall be elected under the provisions of the said Act secondly above recited, in the presence of the said persons whom Her Majesty shall, by warrant under the sign manual, from time to time nominate and appoint as aforesaid to be visitors of the said college, if they or any of them shall think proper to attend.

XIX. That the secretary or some other officer of the said college shall make minutes of the proceedings of the said visitors at their several visitations, and shall keep a book in which he shall enter a fair copy of such minutes, and the names of the visitors present at each visitation; and the said visitors shall after every visitation held at the said college report to Her Majesty the several proceedings held thereat, signed by some two or more of them; and a copy of such report shall be communicated to both Houses of Parliament within six weeks after the same shall be made, if Parliament be then sitting, or if not then within six weeks next after the next meeting of Parliament.

XX. That this Act may be amended or repealed by any Act to be passed during this present session of Parliament.

#### SCHEDULE to which this Act refers.

##### SCHEDULE (A.)

	Annual Stipends.
20 Senior Students on the Dunboyne Establishment, each . . . . .	40 <i>l</i> .
250 Free Students in the Three Senior Classes „ . . . . .	20 <i>l</i> .

#### CAP. XXVI.

AN ACT to prevent fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in Scotland.

(30th June 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. *Prohibiting fishing for trout, &c. by means of nets in any rivers, &c. in Scotland.*
2. *Penalty for trespassing on any ground or river to fish with net.*
3. *Possession of nets evidence of intent.*
4. *Persons trespassing may be seized.*
5. *Justices and proprietors not to be disqualified.*
6. *For the recovery of penalties.*
7. *Appeal.*
8. *Application of penalties.*
9. *Limitation of actions.*
10. *Interpretation of Act.*
11. *Saving the laws regarding the salmon fisheries.*
12. *Alteration of Act.*

By this Act,

After reciting that it is expedient that provision should be made for preventing the destruction of trout and other fresh-water fish by nets in the rivers, waters, and lochs of Scotland;—

It is Enacted,

1. That it shall not be lawful for any person whatsoever, not being the proprietor of the land through or by which any river or water flows, or on which any loch is wholly or partially situated, or not having a right there to fish for trout or fresh-water

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fish, or not having a written permission from some such proprietor or person entitled to fish as aforesaid, at any time after the passing of this Act, to fish for trout or other fresh-water fish in any such river, water, or loch in Scotland, with any net of any kind or description; and if any person, not being a proprietor or having right or permission as aforesaid, shall wilfully take, fish for, or attempt to take, or aid and assist in taking or fishing for or attempting to take or fish for, in or from any such river, water, or loch, any trout or other fresh-water fish, by or with any net of any kind or description, such person shall forfeit and pay any sum not exceeding 5*l*. for every such offence, besides forfeiting the trout or fish taken, and also every boat or net in or by which the same may have been taken or attempted to be taken, and shall also pay the full expenses of the conviction.

II. That if any person shall trespass upon any ground, enclosed or unenclosed, or in or upon any river, water, or loch, with intent to take with any net any trout or other fresh-water fish, such person shall forfeit and pay a sum not exceeding 5*l*. for every such offence.

III. That if any such trespasser shall have in his possession any net of any description whereby trout or other fresh-water fish may be taken or killed, the possession thereof shall be held to be sufficient evidence of the intent of such trespasser to commit such offence.

IV. That it shall be lawful for any person, without any warrant or other authority than this Act, *brevi manu*, to seize and detain any person who shall be found committing any offence against this Act, and to carry such person before the sheriff or any Justice of the Peace in the county within which the offence shall take place, or to deliver such person to a constable, who is hereby required to carry such person before such sheriff or Justice, and the sheriff or Justice of the Peace before whom such offender shall be brought shall forthwith examine and discharge or commit such offender until caution *de judicio sibi* be found, as the case may require; and it shall in like manner be lawful to seize and detain any boat or net of any description used or intended to be used in the commission of any such offence, and also any fish taken by any such offender, and to give information thereof to the sheriff.

V. That all Justices of the Peace shall and may act in the execution of this Act notwithstanding that such Justices shall be the proprietors of land through or by which any river or water may flow, or upon which any loch may be wholly or partially situated, or shall otherwise have a right of trout or fresh-water fishing in any such river, water, or loch, except in cases in which any such Justice is a party to the prosecution of the case, or is directly interested in the result thereof; and no such proprietor or party having right as aforesaid shall be incompetent as a witness to prove any offence committed against this Act by reason of his being such proprietor or having such right.

And for the recovery of the penalties and forfeitures imposed by this Act,—

It is Enacted,

VI. That any such penalties or forfeitures may be recovered by summary proceeding upon complaint in writing made by any party prosecuting for the same to the sheriff of the county in which such offence shall be committed, or to the sheriff of any county in which the offender may be found, and on such complaint such sheriff shall issue a warrant for bringing the party complained against immediately before him, or shall issue an order requiring such party to appear at a time and place to be named in such order; and every such order shall be served on the party complained against either in person or by leaving with some inmate at his usual place of abode a copy of such order and of the complaint whereon the same has proceeded; and either upon the appearance or on the default to appear of the party complained against it shall be lawful for the sheriff to proceed to the hearing of the complaint, and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, and without any written pleadings or record of evidence, to convict the offender, and upon such conviction to decern, adjudge, and sentence him to pay the penalty or forfeiture incurred, and the expenses attending the conviction, and to grant warrant for imprisoning him until such penalty or forfeiture and expenses shall be paid: Provided always, that such warrant shall specify the amount of such penalty or forfeiture and expenses, and shall also specify a period at the expiration of which the party shall be discharged, notwithstanding such penalty or forfeiture and expenses shall not have been paid, and which period shall in no case exceed two calendar months; and it shall be lawful for the sheriff to make such orders concerning the immediate disposal of any boat, net, or fish seized or forfeited under the provisions of this Act as may be necessary.

VII. That it shall be lawful for any person who shall think himself aggrieved by any judgment of the sheriff pronounced in any case arising under this Act to appeal from the same to the next Circuit Court of Justiciary, or, where there are no Circuit Courts, to the High Court of Justiciary at Edinburgh, in the manner, and by and under the rules, limitations, conditions and restrictions contained in 20 Geo. 2. c. 43, for taking away and abolishing heritable jurisdiction in Scotland, with this variation, that such person shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty or forfeiture and expenses awarded against him by the sentence appealed from, in the event of the appeal being dismissed or not insisted in, together with any additional expenses that may be awarded by the Court on deciding or dismissing the appeal; and it shall not be competent to appeal from or bring the judgment of any sheriff acting in the execution of this Act under review, by advocacy or suspension or by reduction, or in any other way than as herein provided.

VIII. That all penalties and forfeitures imposed under the authority of this Act shall, when levied, be paid, the one half thereof to the prosecutor, and the other half to the poor of the parish within which the offence shall have been committed.

IX. That no prosecution or other proceeding whatever shall be brought or commenced against any person for any offence against this Act, unless the same shall be commenced within six calendar months after such offence shall have been committed.

X. That the words "river," "water," or "loch," occurring in this Act shall mean and include any stream, burn, mill-pool, mill-lead, mill-dam, sluice, pond, cut, canal, and aqueduct, and every other collection or run of water in which trouts

and other fresh-water fish breed, haunt, or are found or preserved; that the word "sheriff" shall mean the sheriff of the county in which the offence happens or case arises, and shall include the sheriff substitutes of such sheriffs; that the singular shall include the plural number, and words importing the plural number shall include the singular; and words importing the masculine gender shall include females.

XI. That nothing herein contained shall affect any Act of Parliament, general or local, passed for the preservation of the salmon fisheries in Scotland, or in relation to the fishing of salmon or fish of the salmon kind in Scotland.

XII. That this Act may be amended or repealed by any Act of Parliament to be passed in the present session of Parliament.

## CAP. XXVII.

## AN ACT to amend the Act to establish Military Savings Banks.

(30th June 1846.)

## ABSTRACT OF THE ENACTMENTS.

1. *Secretary at War to direct certain monies to be paid to the account of the Commissioners for the Reduction of the National Debt, and carried to the account of the Military Savings Banks.*
2. *Investment of such monies.*
3. *Secretary at War may direct monies invested in annuities to be transferred to account of Paymaster General.*
4. *Commissioners for Reduction of National Debt empowered to sell.*
5. *Account to be annually laid before Parliament.*
6. *The funds exempted from provisions of Acts relating to Savings Banks.*
7. *Alteration of Act.*

By this Act,

After reciting that, pursuant to 5 & 6 Vict. c. 71, there have been established in the several regiments of cavalry and infantry in Her Majesty's service Regimental Savings Banks for the custody and increase of small savings, belonging to the non-commissioned officers and soldiers serving therein: And that such savings have been applied in diminution of the charge of the public military expenditure, placed under the controul of the Secretary at War for the time being: And that it is expedient to amend the said Act:—

It is Enacted,

1. That it shall be lawful for the Secretary at War for the time being to authorize, by his warrant, payment from the funds granted for army services of the full amount of the money received and applied for the public service, as well as of any money which may hereafter be received and applied under and by virtue of the said recited Act, together with the interest allowed thereon, from the account of the Paymaster General to the account of the Commissioners for the Reduction of the National Debt; and the cashier of the Bank of England is hereby required to receive all such monies, and to place the same into a separate account, to be raised in the names of the said Commissioners in the books of the Governor and Company of the Bank of England, denominated "The Fund for the Military Savings Banks:" Provided always, that previous to any payment being made into the Bank of England as aforesaid, the person applying for that purpose shall in all cases produce to the officer of the Commissioners, at their office in London, a warrant from the Secretary at War, stating that the money mentioned therein is part of the funds of the Military Savings Banks.

II. That the said Commissioners shall cause all the monies paid into the Bank of England, and placed to their account, in pursuance of this Act, to be invested from time to time, under such regulations as the said Commissioners shall direct, in the purchase of any bank annuities in their names, and to be carried to the account hereinbefore provided; and the interest or dividends which shall arise from time to time, and become due thereon, shall in like manner be invested in the purchase of bank annuities: Provided always, that such interest or dividends shall not be subject or liable to any taxes, charges, or impositions whatever.

III. That it shall and may be lawful for the Secretary at War for the time being, by his warrant, to require that within fourteen days from the day the same is lodged at the office of the said Commissioners, the whole or any part of the bank annuities standing in the books of the Bank of England in the names of the Commissioners for the Reduction of the National Debt, on account of the fund for the Military Savings Banks, shall be sold, and the produce thereof paid to the account of the Paymaster General at the Bank of England.

IV. That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, on the request as aforesaid of the said Secretary at War, to sell from time to time any part of the said bank annuities which shall be standing in their names in the books of the Bank of England in pursuance of this Act, and the certificate of the cashier of the Bank of England of the money having been placed to the account of the Paymaster General shall be a full and sufficient discharge to the said Commissioners.

v. That the gross amount of all monies received and paid by the Commissioners for the Reduction of the National Debt under the authority of this Act, prepared up to the 5th of January in every year, shall be annually laid before both Houses of Parliament on or before the 1st of April in every year, if Parliament shall be then sitting, or if Parliament shall not be sitting, then within the first fourteen days of the next session of Parliament.

vi. That the funds placed in the hands of the Commissioners for the Reduction of the National Debt under the authority of this Act, shall not be taken to be within the provisions of any Act heretofore passed relating to Savings Banks, but shall be held in trust for the non-commissioned officers and soldiers of the army, at the disposal of the Secretary at War for the time being.

vii. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

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### CAP. XXVIII.

AN ACT to empower Canal Companies and the Commissioners of Navigable Rivers to vary their Tolls, Rates, and Charges on different Parts of their Navigations.

(30th June 1845.)

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#### ABSTRACT OF THE ENACTMENTS.

1. *Canal companies authorized to vary their tolls or rates on different portions of their canals; and also, from time to time, to reduce and again advance their tolls or rates.*
2. *Tolls to be charged equally to all persons under the like circumstances.*
3. *Act not to apply to existing companies until a meeting of shareholders have determined thereupon, nor in other cases until approved by trustees or proprietors, and notices thereof duly published.*
4. *Saving rights specifically reserved to canal companies and others by existing Acts of Parliament.*
5. *Canal companies subject to a limitation of profits not to raise their dues so as to exceed the maximum of profits.*
6. *Nothing herein to exempt any canal, &c. from any general Act.*
7. *Act may be amended, &c.*

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By this Act,

After reciting that by divers Acts of Parliament various canal companies and the commissioners or trustees of several navigable rivers have been authorized and empowered to levy and receive certain tolls, rates, and charges for the use of their respective canals and navigations, which tolls, rates, and charges are for the most part required to be levied at one uniform rate per ton or per mile throughout the entire length of the said navigations and rivers respectively, without regard to any difference of circumstances which may exist in reference thereto: And that by an Act of Parliament passed in this present session, called, 'The Railways Clauses Consolidation Act, 1845,' powers have been given to railway companies to vary the tolls, rates, and charges upon railways, so as to accommodate them to the circumstances of the traffic thereon: And that greater competition for the public advantage would be obtained if canal companies and the commissioners or trustees of navigable rivers which have already been or may hereafter be from time to time incorporated or established, or which are regulated under the authority of Parliament, were to have the like powers granted to them in respect of their several canals and navigations and other works connected therewith; but such beneficial purposes cannot be effected without the authority of Parliament:—

It is Enacted,

1. That from and after the passing of this Act, and subject to the provisions and limitations herein contained, it shall be lawful for the company of proprietors of any canal, or for the undertakers, commissioners, or trustees of any navigation or navigable river, already or hereafter to be established or incorporated or which is regulated under the authority of Parliament or for their respective lessees, committees, directors, or managers, or their superintendents, or other agents by them severally authorized, in such manner as may be required by their respective Acts of incorporation or for regulating such canals or navigations, from time to time to alter or vary the tolls, rates, and duties granted to them, or by them respectively authorized to be levied and received for the use of their several canals or navigations, or any branches therefrom, or any railways or tramways connected therewith, and made under the authority of such canal or navigation Acts respectively, either upon the whole or upon or for any particular portion or portions of such canals, navigations, branches, railways, or tramways, according to local circumstances, or the quantity of traffic or otherwise, as they shall think fit, and also from time to time to lower or reduce and again to raise or advance, such tolls, rates, and duties, and also any tolls or charges by them respectively authorized to be levied and received for any haulage, trackage, or other power supplied by them, either upon the whole or upon any particular portion or portions of their said several canals, navigations, branches, railways, and tramways, as to such companies, commissioners, trustees, or lessees, or their committees, directors, managers, or superintendents respectively, shall seem fit, any thing in the several Acts of incorporation, or for regulating any such canals or navigations, contained to the contrary notwithstanding: Provided always, that in no case shall the tolls, rates, duties, and charges to be at any time levied or made by any such companies, commissioners, trustees, or lessees, for the use of any such canals, navigations, branches, railways, or tramways, or for the supply of any such haulage, trackage, or other power, exceed the amount which they are by their said several Acts respectively authorized to levy or receive.

II. Provided and enacted, That all tolls, rates, and duties for the use of any such canals, navigations, branches, railways, or tramways shall be at all times charged equally to all persons, and after the same rate, whether per mile, or per ton per mile, or otherwise, in respect of all boats, barges, and other vessels of a like description passing along or using the same portion of the said canal, navigation, branches, railways, or tramways respectively, and upon all goods, animals, articles, and things of a like description, and conveyed or propelled in a like boat, barge, or other vessel passing along or using the same portion of the said canal, navigation, branches, railways, or tramways, under the like circumstances; and that all tolls and charges for haulage or trackage or other power, to be supplied by any such company, commissioners, trustees, or lessees, shall be at all times charged equally to all persons, and after the same rate, whether per mile, or per ton per mile, or otherwise, in respect of all goods, animals, articles, and things of a like description, and conveyed in a like boat or vessel, drawn or propelled by a like power, and passing along or using the same portion of any such canal, navigation, branches, railways, or tramways, under the like circumstances; and no reduction or advance in any tolls or charges for the use of any such canal, navigation, branches, railways, or tramways, or for the supply of any haulage, trackage, or other power by the said companies, commissioners, trustees, or lessees, shall be made, either directly or indirectly, in favour of or against any particular company or person passing along or using the same portion of such canal, navigation, branches, railways, or tramways.

III. Provided and enacted, That this Act shall not apply to any canal or navigation the property wherein is vested in shareholders until a meeting of the shareholders thereof shall have been duly convened, in such manner as meetings are by their respective acts of incorporation or settlement required to be called, or are usually called, and it shall have been determined, by a majority of two-thirds of the votes of the shareholders in such meeting assembled, either in person or by proxy (where by such acts of incorporation or settlement voting by proxy is allowed), to adopt the powers hereby granted, and where such navigations are vested in commissioners or trustees, without any body of shareholders or proprietors, until a special meeting of such commissioners or trustees shall have been duly convened in such manner as special meetings are by the respective Acts for regulating such navigations required to be called, or are usually called, and it shall have been determined by a majority of such commissioners or trustees in such meeting assembled to adopt the powers by this Act granted, or to any canal or navigation the property wherein is vested in one or more owner or owners, proprietor or proprietors, unless the owner or owners, proprietor or proprietors thereof shall determine to adopt the powers and provisions hereby granted, nor in either case until public notice of such determination and intention shall have been inserted in the *London Gazette* in respect of canals or navigations in England or Wales, in the *Edinburgh Gazette* in respect of canals or navigations in Scotland, and in the *Dublin Gazette* in respect of canals or navigations in Ireland, and in some newspaper circulation in the county or counties wherein such canal or navigation, or some part thereof, shall pass, one month at the least previously to the exercise of such powers, whereupon, or immediately after the expiration of such notice, every such company, and all such commissioners, trustees, or lessees, owners and proprietors, or their respective committees, directors, or managers, or their agents by them duly authorized in manner aforesaid, may from time to time put in force and exercise the said powers or any of them in the manner by this Act authorized.

IV. Provided and enacted, That nothing in this Act contained shall be deemed or construed to deprive any canal or navigation company, or the commissioners, trustees, undertakers, or proprietors of any canal, river or navigation, or the owners, lessees, or occupiers of any lands, collieries, quarries, or other hereditaments adjoining or near to any of such canals or navigations, or the overseers or surveyors of the roads of any parish, township, or hamlet through which any such canal or navigation may pass, of any powers, rights, privileges, exemptions, or advantages specifically and expressly secured to them by any existing Act of Parliament: Provided also, that where by any canal or navigation Act or Acts now passed the tolls, rates or duties (whether tolls per mile or tolls in gross) upon any description of goods, animals, articles, or things, or upon any boats, barges, or other vessels which shall be navigated, carried, or conveyed along any canal or navigation, or any portion thereof, and which shall pass into, out of, or along any such canal or navigation, or any portion thereof, from, into, or along any other canal or navigation, canals or navigations, adjoining or communicating therewith, or any portion thereof, or from or to the junction or junctions with any such adjoining or communicating canal or navigation, canals or navigations, are or shall be specially fixed, determined, or limited, either absolutely, or with reference to the tolls, rates, or duties to be levied or received from time to time on goods, animals, articles, or things, boats, barges, or other vessels passing into, out of, or along such canal or navigation, or any portion or portions thereof respectively, from, into, or along any other adjoining or communicating canal or navigation, canals or navigations; or from or to the junction or junctions with such other adjoining or communicating canal or navigation, canals or navigations; or where in any such Act or Acts any special enactment or provision shall have been inserted for securing a rateable reduction or advance of the respective tolls, rates, or duties to be levied or received from time to time on goods, animals, articles, or things, boats, barges, or other vessels, or on goods, animals, articles, or things of the same description, passing over, along, into or from any canal or navigation, or several and distinct portions of any canal or navigation, into or along two or more adjoining or communicating canals or navigations, or from or to the respective junctions of two or more adjoining or communicating canals or navigations, no alteration or variation of the tolls, rates, and duties so specially fixed, determined, or limited, or any or either of them, other than such alterations or variations as are respectively authorized to be made under the several Acts for regulating such canals or navigations, shall be made under the authority of this Act without the previous consent in writing of the proprietors, trustees, undertakers, or commissioners of the canal or navigation, or of all the several canals or navigations, who are expressly mentioned in such special enactments or provisions, or of the committee, directors, or managers of the company, trustees, undertakers, or commissioners, or respective companies, trustees, undertakers, or commissioners of such canal or navigation, canals or navigations, which consents such companies, trustees, undertakers, and commissioners, or their respective committees, directors or managers, are hereby authorized to give, either under their common seals respectively, or under the hand of their respective clerks or secretaries, although any such companies, trustees, or undertakers so consenting may not have adopted the other powers of this Act.

V. Provided and enacted, That where in any canal or navigation Act there shall have been inserted any special provision, which shall be still in force and unrepealed, whereby the amount of the annual dividends, interest, or profits to be shared or divided amongst the proprietors or shareholders of such canal or navigation shall have been limited not to exceed a certain per-centage or amount, and the maximum of such per-centage or amount shall have been attained at the time of the passing



of this Act, it shall not be lawful for the company of proprietors, trustees, or undertakers of any such canal or navigation to avail themselves of any of the powers of this Act for the purpose of raising or increasing the tonnage rates, tolls, or duties which on the 1st of January immediately before the passing of this Act were charged or levied upon any boats, barges, or other vessels carried upon or passing along such canal or navigation, or any part thereof.

VI. That nothing herein contained shall be construed to exempt any canal or navigation company who shall adopt the powers of this Act from the operation of any general Act regulating the manner of charging tolls and other charges upon canals and navigations in respect of passengers, goods, animals, articles, and things of a like description, which may be passed in the course of any future session of Parliament.

VII. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

## CAP. XXIX.

### AN ACT to regulate the Labour of Children, young Persons, and Women, in Print Works.

(30th June 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. Commencement of Act.
2. Interpretation clause: "Print Work:"—"Incidental printing Process:"—"Child:"—"Young Person:"—"Parent:"—"Masculine Gender," and "Singular Number:"—"Employment:"—"Inspector" and "Sub-Inspector:"—"Agent:"—"Month:"—"Day:"—"Night:"—Exception to the term "Print Work:"—Exception in favour of mechanics.
3. Inspectors and sub-inspectors.
4. Power of inspectors and sub-inspectors.
5. Inspectors to report.
6. Owners of print works to send particulars connected therewith to inspectors of factories.
7. Appointment of certifying surgeons.
8. Form of surgical certificate.
9. Certificates not given by certifying surgeon must be by persons duly authorized, and countersigned by a magistrate.
10. Surgical certificates to be given at the print work.
11. Agreement between occupier of a print work and certifying surgeon.
12. Inspector may fix surgeon's fees.
13. Inspectors and sub-inspectors may annul certificates.
14. Certificates of real age may be obtained.
15. Certificates to be obtained before the person is employed, and to serve only for one print work.
16. Surgical certificates may be dispensed with for seven or thirteen days.
17. Surgical certificate to be proof of age.
18. Proof of age of persons alleged to be sixteen.
19. Children under eight years not to be employed.
20. Surgical certificates for children.
21. Surgical certificates for young persons.
22. Children and females not to be employed in the night.
23. Children to attend school.
24. Registry of school attendance.
25. Occupiers of print works to obtain certificates of children's school attendance.
26. Inspector may by notice annul the certificate of any schoolmaster found unfit.—Appeal.
27. Registers to be kept in every print work.
28. For insuring regularity in the observance of time.
29. An abstract of this Act, and certain notices, to be hung in every print work.
30. Occupier of the print work to be liable for offences against this Act in the first instance.
31. When complaints to be preferred.
32. Proceedings under this Act may be had before any Justices.—Penalties may be recovered as in 5 Geo. 4. c. 18.—Power of distraining goods in print work where occupier is convicted.
33. Issue of summons for offences against this Act.
34. Compelling parties to appear and bring register.
35. Inspectors and sub-inspectors competent witnesses.
36. Justices may enforce attendance of witnesses.
37. Inspectors and sub-inspectors may summon offenders and witnesses.
38. What shall be deemed sufficient for summons and service thereof.
39. Penalty for illegally employing children, young persons, and women.
40. Penalty on parents and others interested for conniving at illegal employment.
41. Penalty for obstructing inspectors in execution of their duty.

42. *Penalty for obstructing inspectors at night.*
43. *Penalty for giving or using untrue certificates.*
44. *Penalty in cases where no special penalty is provided.*
45. *Offences against directions in schedules.*
46. *Penalty for second offence.*
47. *In cases of repetition of offences.*
48. *Application of penalties.*
49. *How former conviction may be proved.*
50. *Conviction to be filed amongst the records of the county.*
51. *No appeal from convictions except in certain cases.*
52. *Appeal.*
53. *Who are to exercise the powers of Justices.*
54. *Alteration of Act.*

By this Act,

After reciting that it is expedient to regulate the labour of children, young persons, and women, in print works:—

It is Enacted,

I. That this Act shall take effect from and after the 1st of January 1846, except any provisions for the taking effect of which any other time shall be hereinafter specially limited; all which last-mentioned provisions shall take effect from and after such time as shall be hereinafter specially mentioned in that behalf.

II. That in this Act, unless another sense shall be plainly shewn by the context, or by some positive enactment to the contrary, the words "Print Work" shall be taken to mean any building or shed, and any part thereof, within which any persons are employed to print figures, patterns, or designs, by means of blocks or cylinders, or by means of any other tool, instrument, or mechanism, upon any woven fabric of cotton, wool, hair, fur, silk, flax, hemp, or jute, either separately or mixed together, or mixed with any other material; or upon any felted fabric of wool or fur, either separately or mixed with any other material; or upon any cotton, linen, woollen, worsted, or silken yarn; and the words "incidental printing process" shall be taken to mean any process of preparing, dyeing, bleaching, cleaning, calendering, dressing, or finishing incident or necessary to the completion of the chief process of printing figures, patterns, or designs upon any of the aforesaid materials, and carried on within buildings, sheds, fields, or portions of ground lying adjacent to each other, or forming a part or parts of the establishment where the chief process of printing as aforesaid is carried on; and the word "Child" shall be taken to mean a child under the age of thirteen years; and the words "Young Person" shall be taken to mean a person of the age of thirteen years and under the age of sixteen years; and the word "Parent" shall be taken to mean parent, guardian, or person having the legal custody of any such child; and any word denoting the "Masculine Gender" and "Singular Number" shall be taken to include a female as well as a male, and any number of persons; and any person who shall work in any print work, whether for wages or not, or as a learner or otherwise, either in printing or in any incidental printing process, or in cleaning any part of the print work, or in cleaning any block, cylinder, tool, or machine used therein, or in any other kind of work whatsoever, save in the cases hereinafter excepted, shall be deemed to be employed therein within the meaning of this Act; and the word "Inspector" and "Sub-Inspector" shall be taken to mean respectively an inspector and sub-inspector of print works; and the word "Agent" shall be taken to mean any person having on behalf of the occupier of any print work the care or direction thereof or of any part thereof, or of any person employed therein; and the word "Month" shall be taken to mean a calendar month; and the word "Day" shall be taken to mean from six of the clock in the morning until ten of the clock in the evening of the same day; and the word "Night" shall be taken to mean from ten of the clock in the evening of any one day until six of the clock of the next following morning; and any part of such print work may be taken to be a print work within the meaning of this Act; but this enactment shall not extend to any part of such buildings used solely for the purposes of a dwelling house; and nothing in this Act contained shall extend to any person, being a mechanic, artisan, or labourer, working only in making or repairing the machinery or any part of the print work.

III. That the inspectors and sub-inspectors of factories appointed or to be appointed by virtue of an Act, 3 & 4 Will. 4. c. 103, intituled 'An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom,' and of another Act, 7 & 8 Vict. c. 15, intituled 'An Act to amend the Laws relating to Labour in Factories,' shall respectively be inspectors and sub-inspectors for carrying into effect the powers, authorities, and provisions of this Act.

IV. That every inspector and sub-inspector shall have power to enter every part of any print work at any time, by day or by night, when any person shall be employed therein, and to enter by day any place which he shall have reason to believe to be a print work, and to enter any school in which children employed in print works are educated, and at all times to take with him into any print work the certifying surgeons of the district hereinafter mentioned, and any constable or other peace officer whom he may need to assist him, and shall have power to examine, either alone or in the presence of any other person, as he shall think fit, every person whom he shall find in a print work or in such a school, or whom he shall have reason to believe to be or to have been employed in a print work within twelve months next preceding the time when he shall require him to be examined touching any matter within the provisions of this Act; and the inspector or sub-inspector may, if he shall see cause, require such person to make and sign a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and every inspector and sub-inspector shall have power to examine the registers, certificates, notices, and other documents kept in pursuance of this Act; and every person who shall refuse to be examined as aforesaid, or who shall refuse to sign his name or affix his mark to a declaration of the truth of the matters respecting which he shall have been examined, or who shall in any manner attempt to conceal or otherwise prevent any child or other person from appearing before or being examined by an inspector or sub-inspector, or who shall prevent or knowingly delay the admission of an inspector or sub-

inspector to any part of a print work or school, or shall prevent an inspector or sub-inspector from examining any register, certificate, notice, or other document kept in pursuance of this Act, shall be deemed guilty of wilfully obstructing the inspector or sub-inspector in the execution of the powers intrusted to him.

v. That every inspector shall keep full minutes of all his visits and proceedings, and shall report the same to one of Her Majesty's principal Secretaries of State twice in every year, and oftener if required, and shall report the state and condition of the print works, and of the persons employed therein whose labour is regulated by this Act, and whether such print works are conducted according to the provisions of this Act.

vi. That every person carrying on business at any print work shall, within one month next after the passing of this Act, or within one month after beginning to carry on such business, send a written notice, addressed to the office of the factory inspectors, London, containing the name of such print work, together with the place, township, or parish, and county, where the same is situated, the post town to which he desires his letters to be addressed, the nature of the work, and the name of the firm under which such business is or is to be carried on.

vii. That the certifying surgeons appointed or to be appointed by virtue of the said Act, 7 & 8 Vict. c. 15, shall be certifying surgeons for carrying into effect the powers, authorities, and provisions of this Act.

viii. That the certificates of age required by this Act, herein called surgical certificates, shall be given according to the form and directions contained in Schedule (A.) annexed to this Act; and the name of every person for whom a surgical certificate is required by this Act, and the date of the first day of employment or re-employment of such person, shall be registered in the form and according to the directions given in the Schedule (B.) annexed to this Act, before it shall be lawful to employ such person in a print work.

ix. That no such surgical certificate given by any person who is not an appointed certifying surgeon shall be of any force unless it is given by a person duly authorized by an university or college, or other public body having authority in that behalf to practise surgery or medicine, and countersigned, according to the form and directions given in the Schedule (A.) to this Act annexed, by some Justice of the Peace, not being the occupier of a print work, and not being the father, son, or brother of the occupier of a print work; and no person shall countersign any such surgical certificate in the absence of the person named therein, or without proof that the person brought before him is the same to whom the certificate was granted.

x. That no person shall grant any surgical certificate required by this Act, except upon personal inspection of the person named therein; and no certifying surgeon shall examine any person for the purposes of this Act, or sign or issue any such surgical certificate, elsewhere than at the print work where such person is to be employed, unless for special cause, to be allowed by an inspector; and if a certifying surgeon shall refuse to grant a certificate of age to any person presented to him for such examination, he shall give, when required, instead of such certificate, a paper specifying under his hand the reasons for such refusal, in the form and directions given in the Schedule (A.) to this Act annexed.

xi. That if the occupier of a print work shall agree in writing with the certifying surgeon of a district for the payment to be made by the occupier of the print work to the certifying surgeon for the examination of persons for whom surgical certificates are required by this Act, and if the terms of such agreement shall be in conformity with such regulations for the guidance of the surgeons as shall be made by the inspector of the district, and shall be countersigned by the inspector in token of such conformity, all penalties which may be incurred by any party for breach of such agreement may be recovered as other penalties under this Act may be recovered, and shall be applied as other penalties under this Act are directed to be applied and no such agreement shall be liable to any stamp duty.

xii. That an inspector shall fix the amount of fees to be paid by the occupier of a print work, and the times when such fee shall be paid to the certifying surgeon, and also the times when such certifying surgeon shall visit a print work, provided he shall be required to fix such fees and visits by the occupier of a print work; and the fees so to be fixed by the inspector shall not in any case where the surgeon shall examine more than one person exceed 1s. for each person who shall be presented to him at the print work by the occupier thereof or his agent to be examined, together with 6d. for every half-mile that the distance of the print work from the residence of such surgeon shall exceed one mile, and such fees, including mileage, shall not be less than 1s., and shall in no case exceed 5s., for any one visit, except when upon such visit the certifying surgeon shall examine for the said certificates of age more than ten persons who may be brought before him as aforesaid, in which case he shall receive 6d. for each person that he may so examine, instead of all other fees; and in any case where a print work situated within the distance of one mile from the residence of a certifying surgeon the fee for such print work shall not exceed 2s. 6d. for each visit, except when at any one visit he shall examine for the said certificates of age more than five persons who may be brought before him as aforesaid, in which case he shall receive 6d. for each person that he may so examine, instead of all other fees; and no certifying surgeon shall receive more than 6d. for any certificate which he may be allowed by an inspector as hereinbefore provided, to sign or issue otherwise than at the print works where the person is to be employed; and the occupier of any print work shall pay such fees to the certifying surgeon at the time of signing such certificates, or at any other time when he may be directed by the inspector to do so; and the occupier of such print work may deduct the fee, or any part thereof, not exceeding in any one case the sum of 3d., from the wages of the person for whom the certificate may have been granted; but in any case where such agreement as aforesaid has been executed between an occupier of a print work and the certifying surgeon, the amount named in such agreement shall be instead of the fees fixed by any inspector in virtue of this Act: Provided always, that no certifying surgeon shall be required to visit any print work situated within three miles of his residence oftener than once in each week, or to visit any print work situated at a greater distance than three miles oftener than once in every fortnight, unless with the consent of the occupier of the print work.

xiii. That every inspector and sub-inspector may annul any surgical certificate granted under this Act by writing across the surgical certificate the word "annulled," with his name, and the date of annulling such certificate; provided that in each case he shall have reason to believe the real age of the person mentioned therein to be less than that mentioned in the certificate.

or provided the certifying surgeon of the district shall, upon reference made to him, deem such person to be then of deficient health or strength, or by disease or bodily infirmity incapacitated for labour, or liable to be injured by continued employment; and no certificate so annulled shall be valid in respect of the person named therein for the purposes of this Act from the day when the certificate shall have been so annulled; and the production of the certificate shall be evidence that the certificate was annulled on the day so stated.

xiv. That in case any person shall be desirous of proving the real age of any person for whom a certifying surgeon shall have refused to grant a certificate of age for the purposes of this Act, or whose surgical certificate any inspector or sub-inspector shall have annulled, the inspector or sub-inspector shall, on demand, give to such person a requisition under his hand in a form to be approved of by the inspectors and by the registrar general, for the production of a duly certified copy of the entry of the birth or baptism of such person, provided the party demanding the same shall declare the names of such person and of his parents, with the place where and the year in which he was born or baptized, which particulars shall be set forth in the requisition; and every party to whom such requisition shall have been given shall be entitled, upon payment of 1s., to receive, on personal application, or on application in writing in such form and under such regulations as shall be approved of by the inspectors and registrar general, from any minister, registrar, or other person having the care of any register of births or baptisms in which the birth or baptism of such person is entered, a duly certified copy of the entry in such register, which shall be indorsed on the aforesaid requisition, and shall be signed by the minister, registrar, or other person having charge of such register; and such payment of 1s. shall be instead of all other fees or payments to which such minister, registrar, or other person shall be entitled; and if the said certified copy proving the age of the person named therein to be such as to entitle him to have the surgical certificate required shall be produced to the certifying surgeon of the district, he shall examine the same, and if it shall appear to him that the said certified copy has not been altered or falsified in any manner, the certifying surgeon shall thereupon, without further fee or reward, give a surgical certificate in the form provided for that case in Schedule (A.) to this Act annexed, and shall write the word "examined" upon the certified copy of the entry of the birth or baptism which he shall have received, with his signature, and the date of such signature, and shall send such certified copy by the post to the sub-inspector of the district, who shall send a receipt for the same by post to the said surgeon, and shall keep such certified copy of the entry of the birth or baptism for future reference, if necessary; and if any inspector shall require a certified copy of the entry of the birth of any person employed in any print work from the office of the registrar general, he, or any person deputed by him, shall, on producing a requisition in the form hereinbefore provided, be entitled to examine the indexes to the registers in the general register office, and to receive such certified copy indorsed on the requisition without the payment of any fee; but no certified copy of the entry of any birth or baptism issued in consequence of any such requisition hereinbefore provided shall be admissible in evidence in any court or for any purpose, save for the purposes of this Act: Provided always, that in those cases in which a surgical certificate shall have been refused or annulled in consequence of deficient health or strength, or by reason of disease or bodily infirmity, the inspector or sub-inspector shall not sign the requisition hereinbefore mentioned, and such person shall not be employed on proof of real age only.

xv. That before employing any person requiring a surgical certificate under this Act the occupier of the print work shall obtain the surgical certificate, save as hereinafter excepted, and shall keep and be bound to produce every such certificate when required to the inspector or sub-inspector; and no surgical certificate shall be valid, except for employment at the print work for which it was originally granted, or, if granted by a certifying surgeon, at any other print work in the occupation of the same person who is occupier of the print work for which the certificate was originally granted, provided such other print work be in the district of the certifying surgeon who granted the certificate, and the certificate be produced in the print work where the person named in the certificate is at work; and the certifying surgeon, as often as he shall visit a print work for the purpose of granting certificates, shall enter in the register of children the date of his visit, and the other particulars set forth in the form and according to the directions given in Schedule (B.) to this Act annexed.

xvi. Provided and enacted, That no occupier of any print work shall be liable to any penalty for employing any person in any manner not contrary to the other provisions of this Act, without a surgical certificate, for any time not exceeding seven working days, or, when the certifying surgeon shall reside more than three miles from the print work, for any time not exceeding thirteen working days, provided all surgical certificates for that print work be granted only by the certifying surgeon appointed for that print work; but this enactment shall not be construed to authorize the employment of any person in respect of whom the certifying surgeon shall have refused to grant such surgical certificate.

xvii. That every surgical certificate given under this Act, and which shall not have been annulled, shall be evidence in the first instance of the age of the person named therein, but shall not protect any person, knowing such person to be of less than the age certified, from any penalty for employing or conniving at the employment of such person otherwise than is allowed by this Act; and in every proceeding on any information or complaint for employing any person contrary to this Act a declaration in writing, by the certifying surgeon of the district, that he has personally examined such person, and believes him to be under such age as shall be set forth in such declaration, shall be evidence in the first instance, until the contrary shall be made to appear, that such person is under the age mentioned in such declaration.

xviii. That if any inspector or sub-inspector shall make a complaint before a Justice of the Peace that the real age of any person who is employed in a print work without a surgical certificate is less than sixteen, the occupier of the print work in which such person is employed shall be liable to the penalties for employing persons for whom a surgeon's certificate is required by law without the proper surgical certificate, unless upon the proceeding for the enforcement of such penalties he shall prove, by an extract from a legal register of birth or baptism, that the said person had completed his sixteenth year of age.

xix. That after the 1st of January 1846 no child under the age of eight years shall be employed in any print work.

xx. That no child shall be employed in a print work (save in the cases hereafter excepted) until the occupier thereof shall have obtained a surgeon's certificate, according to the form and directions given in the Schedule (A.) to this Act annexed, in

proof that such child has the ordinary strength and appearance of a child of at least eight years of age, and is not incapacitated by disease or bodily infirmity from working daily in a print work, as allowed by this Act.

xxi. That no young person shall be employed in a print work (save in the cases hereafter excepted) until the occupier thereof shall have obtained a surgical certificate according to the form and directions given in the Schedule (A.) to this Act annexed, in proof that such young person has the ordinary strength and appearance of a young person of at least thirteen years of age, and is not incapacitated by disease or bodily infirmity from working in a print work, as allowed by this Act.

xxii. That after the 1st of January 1846 no child or female shall be employed in any print work during the night.

xxiii. That after the 1st of July 1846, the parent or person having any direct benefit from the wages of any child employed or intended to be employed in a print work shall cause such child to attend some school for at least thirty days, together or separately, exclusive of Sundays, during the half year between the 1st of January and the 30th of June, both days inclusive, and in like manner for thirty days during the half year between the 1st of July and the 31st of December, both days inclusive, in each year, during any part of which it shall be employed in a print work, such attendance being after the hour of eight of the clock in the morning and before the hour of six of the clock in the evening, and such attendance shall not be less than 150 hours during each half year; but no attendance above five hours on any one day shall be reckoned as a part of the said 150 hours.

xxiv. That so soon as a child shall be employed in a print work the parent or person having direct benefit from the wages of such child shall notify to the occupier of the print work the school which such child is to attend during the time it is employed in such print work, and the occupiers of the print work shall enter in the register of children hereinafter required to be kept the name of the schoolmaster and the situation of the school so notified to him; and the parent or person having direct benefit from the wages of such child shall provide a school certificate book, according to the form and directions given in the Schedule (A.) annexed to this Act, and shall deliver the same to the master of the school which such child is to attend, and the said master shall enter therein, week by week, the attendance or absence of such child during that week, and shall produce such certificate book, while in his custody, to the inspector or sub-inspector of the district, when required; and the master of any school which shall be attended by children employed in a print work shall keep a register of their names and attendance, and if the inspector of the district shall disapprove of the form of register adopted by the schoolmaster, it shall be kept in such other form as the inspector shall direct.

xxv. That after the 1st of July 1846 the occupier of every print-work shall, before employing any child therein, obtain from a schoolmaster a certificate, according to the form and directions given in the Schedule (A.) to this Act annexed, that such child had attended school for at least fifty days, as required by this Act, during the half year ending on the 30th of June or 31st of December next before the beginning of such employment, and the like certificate at the beginning of each following period of six months during which the employment of such child shall be continued in that print work; and such occupier shall keep every such certificate so long as such child shall continue in his employment for twelve months after the date thereof, and shall produce the same to any inspector or sub-inspector, when required, during such period.

xxvi. That if an inspector, on his personal examination, or on the report of a sub-inspector, shall be of opinion that any schoolmaster who grants certificates of the school attendance of children employed in a print work is unfit to instruct children, by reason of his incapacity to teach them to read and write, from his gross ignorance, or from his not having the books and materials necessary to teach them reading and writing, or because of his immoral conduct, or of his continued neglect to keep the registers, and fill up and sign the certificates of school attendance, as required by this Act, the inspector of the district may annul any certificate granted by such disqualified schoolmaster, by a notice in writing addressed to the occupier of the print work in which the children named in the certificate are employed, or his principal agent, setting forth the grounds on which he deems such schoolmaster to be unfit; and after the date of such notice no certificate of school attendance granted by such schoolmaster shall be valid for the purposes of this Act, unless with the consent in writing of the inspector of the district; but no inspector shall annul any such certificate unless in the aforesaid notice he shall name some other school situated within two miles of the print work where the children named in the certificate are employed: Provided always, that any schoolmaster whose certificate shall have been annulled, or the occupier of the print work in which the children named in the said certificate are employed, on behalf of the schoolmaster, may appeal to the Secretary of State against any such decision of the inspector, and the Secretary of State may, if he think fit, rescind such decision: Provided also, that every inspector shall in his annual report to the Secretary of State state the instances (if any) in which he shall have had occasion to annul any such certificate, together with the reasons which he has in each case assigned for so doing.

xxvii. That registers shall be kept in the print work to which they relate by the occupier of every print work, according to the forms and directions given in Schedule (B.) to this Act annexed; and every inspector shall have power to require such occupier to send to him, in such manner as may be directed in the requisition, any extracts from such registers, and any other information with relation to the persons employed in the print work which may be requisite to facilitate the performance of the duties of such inspector in any inquiry made under the authority of this Act; but no information so sent by the occupier of any print work which is not contained in the registers, certificates, and other documents required by this Act to be received or kept shall be admissible in evidence in any proceeding against him for the recovery of any penalty; and the registers, certificates, and other documents required by this Act to be received or kept shall be forthwith produced to the inspector or sub-inspector, on his demanding to examine the same, at any time when the print work is at work.

xxviii. That the hours of the day during which it is lawful to employ children, young persons, and women shall be regulated in every print work by a public clock, or by some other clock open to the public view, to be approved of in either case in writing under the hand of the inspector or sub-inspector of the district.

xxix. That such abstract of this Act as shall be directed by one of her Majesty's principal Secretaries of State shall be fixed on a moveable board, and be hung up as soon as received by the occupier of the print work or his agent in the entrance

of the print work, and in such other places as the inspector or sub-inspector of the district may direct; and notices of the names and addresses of the inspector and sub-inspector of the district in which the print work is situated, of the clock by which the hours of work in the print work are regulated, and any alteration thereof, together with every other notice required by this Act, written or printed in legible characters, and fixed on moveable boards, (each particular notice being signed by the occupier of every print work or his agent,) shall be hung up at the entrance of the print work, where they may be easily read by the persons employed in the print work, and in such other places as the inspector or sub-inspector of the district may direct, and whence they shall not be removed while the print work is at work; and in case any such abstract of this Act or notice shall become illegible in any part, the occupier of the print work shall cause a new copy thereof to be provided and hung up as aforesaid; and every notice required to be hung up shall be in the forms and according to the directions given in the Schedule (C.) hereunto annexed.

XXX. That the occupier of any print work in which any offence against this Act has been proved to have been committed, and for which a pecuniary penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty; but any occupier who shall have been proceeded against by any inspector or sub-inspector shall be entitled, upon complaint or information duly made by such occupier, to have any agent, servant, or workman whom he shall charge as the actual offender brought by summons before the Justices at the time appointed for hearing the complaint made against him by the inspector or sub-inspector; and if after the commission of the offence has been proved the occupier of the print work shall prove to the satisfaction of the Justices, that he had used due diligence to enforce the execution of the Act, and that the said agent, servant, or workman had committed the offence in question without his knowledge, consent, or connivance, the said agent, servant, or workman shall be convicted of such offence, and shall pay the penalty instead of the occupier of the print work; and the payment of such penalty and costs shall be enforced against the agent, servant, or workman in like manner as penalties are made recoverable by this Act: Provided always, that when it shall be made to appear to the satisfaction of the inspector or sub-inspector, at the time of discovering the offence, that the occupier of the print work had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the personal consent, connivance, or knowledge of the occupier, and in contravention of his orders, then the inspector or sub-inspector shall proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the occupier of the print work.

XXXI. That all complaints for offences against this Act shall be preferred within two months next after the commission of the offence, except in the case of complaints for having employed a child without the school certificate required by this Act, in which case the complaints may be preferred within six months next after the commission of the offence, or in the case of complaints for offences punishable at discretion by fine or imprisonment, in which case the complaints may be preferred within twelve months next after the commission of the offence; and no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty hereinafter named for such offence, unless such repetition of offence shall have been committed after a complaint shall have been made for the previous offence, and except also for offences of employing two or more children or young persons or women contrary to law.

XXXII. That all complaints for the enforcement of any penalty under this Act shall be heard and determined by two or more Justices of the Peace acting for the county or other jurisdiction wherein the offence was committed, or for any adjoining county or jurisdiction, with the like authority as though the cause of complaint had arisen within such adjoining county or jurisdiction, provided that the place of hearing the complaint in such other county or jurisdiction be not more than five miles from the place where the offence was committed; and the Justices by whom any person shall be fined for any offence against this Act may order that such person shall pay the penalty, and also the reasonable costs and charges of such proceedings and conviction, either immediately or within such time as the said Justices shall think fit; and in default of payment thereof any Justice may cause the same to be levied by distress and sale of the goods and chattels of the party convicted, together with the reasonable costs and charges of such conviction, distress, and sale, by warrant under the hand and seal of any such Justice; and where the warrant of distress is directed against the goods and chattels of any person being the occupier of a print work, it shall be lawful under such warrant to distrain any goods and chattels found in the said print work which could be liable to be distrained for rent in arrear.

XXXIII. That in England and Ireland a summons for an offence against this Act shall be issued by any Justice upon complaint being made to him in writing by an inspector or sub-inspector, or upon oath before him by any other person, that to the best of the knowledge and belief of the inspector, sub-inspector, or such other person, such an offence has been committed; and in Scotland a summons for an offence against this Act shall be issued by any Justice upon complaint being made to him in writing by an inspector or sub-inspector, or by the procurator fiscal, or by any person having a title and interest to prosecute with the concurrence of the procurator fiscal, that to the best of the knowledge and belief of such inspector, sub-inspector, procurator fiscal, or other person, such an offence has been committed; and in every such prosecution in Scotland the proceedings shall be summary, and it shall not be necessary to take down in writing more than the substance of the evidence; and no higher or other fees shall be allowed in Scotland to the clerk of court or constables than is allowed to be paid to the sheriff clerk and sheriff officers in causes and prosecutions under the authority of an Act, 1 Geo. 4. c. 55, intituled 'An Act for the more effectual Recovery of Small Debts, and for diminishing the Expenses of litigation in Causes of small Amount in the Sheriff Courts in Scotland.'

XXXIV. That every person who shall be summoned to answer any complaint shall be bound to appear at the time and as mentioned in the summons, and to produce before the Justices then and there present every register or other account, paper, or notice required by law to be kept by him or his agent, which shall be mentioned in the summons; and if he shall not appear accordingly then (upon proof of due service of the summons) the Justices may hear and determine the case in his absence, or issue their warrant, as hereinafter provided, for enforcing his attendance, and the attendance of any witness who all refuse or neglect to appear.

xxxv. And it is declared and enacted, That it shall be no objection to the competency of any Inspector or sub-inspector to give evidence as a witness in any prosecution under this Act that it is brought at the instance of such inspector or sub-inspector, or in Scotland the procurator fiscal or other person as aforesaid.

xxxvi. That any Justice of the Peace, upon any complaint under this Act, may summon any witness to appear and give evidence at a time and place appointed for hearing such complaint, and by warrant under his hand and seal may require any person to be brought before the Justices by whom the complaint shall be heard who shall neglect or refuse to appear at the time and place appointed in any summons, proof upon oath being first given of personal service of the summons upon the person against whom such warrant shall be granted, and may commit any person coming or brought before such Justices who shall refuse to give evidence to the county prison or prison of the place where such offence was committed, there to remain for any time not exceeding one month, or until such person shall sooner submit himself to be examined; and in case of such submission the order of any Justice shall be a sufficient warrant to any gaoler or prison keeper for the discharge of such person.

xxxvii. That every inspector and sub-inspector shall be empowered to summon any person whom he shall charge with having offended against this Act, and also all witnesses who may be needed to give evidence concerning the charge; and every such summons shall be of the same effect as if issued by a Justice of the Peace after complaint upon oath before him, and shall be enforced in like manner, and the like proceedings may be had thereupon, as if complaint upon oath had been made before such Justice for such offence; and every constable and other peace officer to whom any such summons shall be directed shall be bound to take charge of and to serve such summons, and in default thereof shall be liable to be punished as if the summons had been issued by a Justice of the Peace; and every such summons of an offender or witness may be in the form provided in each case, and given in the Schedule (D.) hereunto annexed; and when an inspector or sub-inspector shall summon an offender he shall give to the same constable or peace officer a statement of the offence alleged to have been committed, who shall deliver it to a Justice of the Peace usually acting for the division in which the case is to be heard, or to the clerk of any such Justice, at least twenty-four hours before the period named in the summons for the appearance of the party charged with such offence.

xxxviii. That it shall be sufficient, in any information, complaint, or other proceeding under this Act, to set forth the name of the ostensible occupier or title of the firm by which the occupier employing the workpeople of the print work may be usually known; and the service of any summons, order, or notice required by this Act, or issued under the authority of this Act, and not expressly directed to be personal service, may be made by leaving the same at the dwelling-house of the person to whom the same shall be addressed, or, in the case of summoning or giving an order or notice to the occupier of a print work or to a schoolmaster, by giving a copy thereof in writing to the agent of such occupier, or by sending a copy thereof by the post, directed to the occupier of the print work at the print work, or to the schoolmaster at his school.

xxxix. That any person who shall be convicted of having employed any child, young person, or woman in any manner contrary to the provisions of this Act, or of employing any child under the age of thirteen years without having obtained the certificate from a schoolmaster required by this Act, such person (not being the parent of such child, or the husband of such woman, nor having any direct benefit from the wages of such child or woman), shall for every such offence be adjudged to pay a penalty of not less than 20s. and not more than 3*l*. for each child, young person, or woman so illegally employed. Provided always, that if the offence shall be the employment of any such child, young person, or woman during the night the penalty shall be not less than 40s. nor more than 5*l*. for each child, young person, or woman so illegally employed.

xl. That every parent and other person who shall have direct benefit from the wages of any child employed in any manner forbidden by this Act, who shall wilfully connive at such illegal employment, or who shall neglect to cause such child to attend school as hereinbefore provided, or who, when required by an inspector or sub-inspector, shall fail to produce certificate of the school attendance of such child, as required by this Act, and the husband of any woman employed during the night wilfully conniving at such employment, shall be liable to a penalty of not less than 5s. and not more than 20s. for each offence.

xli. That every person convicted of wilfully obstructing an inspector or sub-inspector in the execution of any of the powers intrusted to him by virtue of this Act shall be liable for each offence to a penalty of not less than 3*l*. and not more than 10*l*.

xlii. That every occupier of a print work in which an inspector or sub-inspector shall be obstructed in the night, by an attempt to prevent his making a full and complete examination of all parts of the print works, and of every person employed therein, shall be liable to a penalty of not less than 20*l*. and not more than 50*l*.

xliii. That every person convicted of making, giving, signing, countersigning, counterfeiting, or making use of any certificate authorized or required by or by virtue of this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at making any false or counterfeited certificate, or any false entry in any register, or any other account, paper, or notice required by or by virtue of this Act, and also every person convicted of wilfully making and signing a false declaration in any proceedings under this Act, shall be liable to a penalty of not less than 5*l*. and not more than 20*l*., or to be imprisoned for any time not exceeding six calendar months in the house of correction in the county, town, or place where the offence was committed.

xliv. That the penalty for any offence against this Act for which no special penalty is herein provided shall be any sum not less than 2*l*. and not more than 5*l*.

xlv. Declared and Enacted, That the non-compliance with any direction contained in any schedule to this Act annexed shall be deemed an offence against the provisions of this Act.

xlvi. That every person who shall be convicted twice within twelve calendar months for an offence of the same kind against this Act shall pay for the second offence any sum not less than one half of the highest penalty for that offence, and if con-

victed three times within twelve calendar months for an offence of the same kind, shall pay not less than two-thirds of the highest penalty, and if convicted more than three times within twenty-four calendar months for an offence of the same kind shall pay the highest penalty; but a repetition of the same kind of offence shall not be considered as the second or subsequent offences referred to in this enactment, unless such second or subsequent offence shall have been committed after a complaint has been made for the previous offences; and in any case in which a person shall be convicted at any one time for offences against this Act, so that the penalties amount in the whole to more than 100*l.*, the sum of 100*l.*, together with all the reasonable costs and charges of such proceedings and convictions, may be paid, instead of the penalties for all offences committed by such person before the day on which the last summons was taken out against him or her.

XLVII. Provided always, That no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty herein appointed for such offence, unless such repetition of offence shall have been committed after a complaint shall have been made for the previous offence; but the offence of employing two or more children or women contrary to law shall be considered a repetition of the same kind of offence within the meaning of this provision.

XLVIII. That all penalties for any offence against this Act shall be applied under the direction of one of Her Majesty's principal Secretaries of State, and shall be paid, on account of the inspector for the district in which the penalty was imposed, to such banker as shall be appointed by such inspector to receive the same; and every person to whom any such penalty shall be paid shall pay over the amount thereof to the banker so appointed, within fourteen days of receiving the same; and it shall be lawful for the Secretary of State to remit the whole or any part of such penalty, and so much thereof as shall not be so remitted, and not otherwise especially appropriated by this Act, shall be applied by such inspector, under the direction of one of Her Majesty's principal Secretaries of State, in such manner as shall appear best for the establishment or support of day schools for the education of children employed in print works; and so much of an Act, 5 & 6 Will. 4. c. 76, intituled 'An Act to provide for the Regulation of Corporations in England and Wales,' as provides that certain penalties and forfeitures, if recovered before any Justice of any borough having a separate Court of Quarter Sessions of the Peace, shall be recovered for and adjudged to be paid to the treasurer of such borough, shall be repealed as to the penalties imposed under this Act.

XLIX. That whenever any person shall be convicted of any offence against this Act, the clerk of the peace where such conviction shall have been filed shall, upon the request in writing of any inspector or sub-inspector, deliver or cause to be delivered to him a copy of the conviction, certified under his hand to be a true copy; and every such copy shall be received as evidence of such conviction upon any future proceeding under this Act; and for every such copy the clerk shall be entitled to have a fee of 1*s.*, and no more.

L. That every conviction under this Act may be in the form given in the Schedule (D.) to this Act annexed, or in any other form more suitable to the case, and shall be certified in England and Ireland to the next General or Quarter Session of the Peace, and in Scotland to the clerk of the Justices of the Peace, there to be filed amongst the records of the county, riding, division, stewartry, town, or place.

LI. That no appeal shall be allowed against any conviction under this Act, except for an offence punishable, at discretion, by fine or imprisonment, or when the penalty awarded shall be more than 3*l.*; neither shall any conviction, except as aforesaid, be removable by certiorari or bill of advocacy into any court whatever; and no information, conviction, or other proceeding on any complaint for an offence against this Act shall be quashed or deemed illegal for matter of form, or for the want of any averment unnecessary to be proved, or the omission of any word, or for the insertion of any word, in any case in which such omission or such insertion respectively do not affect the essence of the offence, nor for the wrong designation of a name or time or place, where the person, time, and place intended shall have been so stated as to have been, in the opinion of the Justices by whom the complaint shall have been heard, clearly understood by the person charged with such offence; and it shall not be necessary, in any information, conviction, or other proceeding under this Act, to define the processes carried on in such print work, or to set out that the print work or process of employment referred to is not within any of the cases excepted, provided that it be therein stated that such print work is a print work within this Act; and the proof of being within any such excepted case shall lie upon the party claiming the benefit of such exception.

LII. That any person aggrieved by any such conviction for which an appeal is allowed by this Act may appeal to the next Court of General or Quarter Sessions which shall be holden not less than twelve days after the day of the conviction for the county or other jurisdiction wherein the cause of complaint shall have arisen; provided that the person so intending to appeal shall give to the inspector or sub-inspector of the district notice in writing of such appeal, and of the cause or matter thereof, within three days after the conviction or order, and seven clear days at the least before such session, and shall also enter into a recognisance with two sufficient sureties before a Justice of the Peace for the county or other jurisdiction seven clear days at the least before such session, conditioned personally to appear at the said session, and to try such appeal, and to abide the judgment of the Court thereon, and to pay such costs as shall be by the Court awarded; and the Court at such session shall hear and determine the matter of appeal, and shall make such order thereon as to the Court shall seem meet; and in case of the dismissal of the appeal or the affirmation of the conviction or order the Court shall adjudge and order the party to be punished according to the conviction, or to obey the order appealed against, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

LIII. That in all cases in which a Justice of the Peace is required or empowered to do any thing under this Act, or is named therein, a Burgh Magistrate shall have within his jurisdiction the same powers and duties as are herein given to such Justice, and shall exercise the same in Scotland; but no complaint preferred for any offence against this Act committed in a print work shall be heard by a Justice of the Peace or Burgh Magistrate, being an occupier of the print work, or being the father, son, or brother of the occupier of the print work, in which the offence set forth in the complaint shall have been committed.

LIV. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.



## SCHEDULES to which the Act refers.

## SCHEDULE (A.)

## SURGICAL CERTIFICATE.

(To be written or printed on white Paper.)

PRINT WORKS REGULATION ACT, VICTORIA, C.

No. —. CERTIFICATE of AGE for a CHILD to be employed in the Print Work of situated at in .  
 I of duly appointed a certifying Surgeon, do hereby certify, That  
 Son [or Daughter] of and residing in has been personally examined  
 by me this Day of One thousand eight hundred and and that the said  
 Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and that I believe the real Age  
 of the said Child to be at least Eight Years; and that the said Child is not incapacitated by Disease or bodily Infirmary from  
 working in the above-named Print Work for the time allowed by this Act.

Signed

Certifying Surgeon.

The Form of Surgical Certificate to be given to a Child who has obtained a Certificate of real Age shall be the same as  
 above, omitting the Words "and that the said Child has the ordinary Strength and Appearance of a Child of at least Eight  
 Years of Age, and that I believe the real Age of the said Child to be at least Eight Years," and substituting these Words in  
 their Place, "and that a Certificate of the Birth [or Baptism] of the said Child has been produced to me in the Form  
 required by this Act, proving that the real Age of such Child is at least Eight Years."

(To be written or printed on coloured Paper.)

PRINT WORKS REGULATION ACT, VICTORIA, C.

No. —. CERTIFICATE of AGE for a YOUNG PERSON to be employed in the Print Work of situate  
 at in .

I of duly appointed a certifying Surgeon, do hereby certify, That  
 Son [or Daughter] of and residing in has been personally examined  
 by me, this Day of One thousand eight hundred and and that the said  
 young Person has the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and that I  
 believe the real Age of the said young Person to be at least Thirteen Years; and that the said young Person is not inca-  
 pacitated by Disease or bodily Infirmary from working in the above-named Print Work for the Time allowed by this Act.

Signed

Certifying Surgeon.

The Form of Surgical Certificate to be given to a young Person who has obtained a Certificate of real Age shall be the  
 same as the above, omitting the Words "and that the said young Person has the ordinary Strength and Appearance of a  
 young Person of at least Thirteen Years of Age, and that I believe the real Age of the said young Person to be at least  
 Thirteen Years," and substituting these Words in their Place, "and that a Certificate of the Birth [or Baptism] of the said  
 young Person has been produced to me in the Form required by this Act, proving that the real Age of such young Person  
 is at least Thirteen Years."

The Form of Surgical Certificate to be given in either Case by any Practitioner who is not a certifying Surgeon must be  
 the same as the corresponding Form above given, omitting the Words "duly appointed a certifying Surgeon," and substi-  
 tuting the Words "duly authorized by the University [or College or other public Body having Authority in that behalf] of  
 to practise Surgery [or Medicine]," and making the following Addition, which must be signed by a  
 Justice of the Peace or Burgh Magistrate:—

The Child [or young Person] named in the above-written Certificate has been this Day brought before me; and the  
 Appearance of the said Child [or young Person] agrees with the Description therein given: and I believe the real Age of  
 the said Child [or young Person] to be at least [here insert the Word "Eight," or "Thirteen" in the Case of a young Person.]  
 Years; and I declare that I have no beneficial Interest in and am not the Occupier of any Print Work, and that I am not  
 the Father, Son, or Brother of the Occupier of any Print Work.

Dated this Day of One thousand eight hundred and

Signed C.D., Justice.  
 [or Burgh Magistrate.]

In every Surgical Certificate of Age the Day of the Month on which it shall be granted shall be written in Words, and  
 not in Figures.

So soon as any Certificates authorized by this Act to be received as Proof of the Age of any Persons shall be obtained by  
 the Occupier of a Print Work or his Agent, they shall be fixed in a Book, to be called "The Age Certificate Book," in the  
 Order of the Dates at which they shall have been respectively received; and such Certificates shall be numbered in the  
 Order in which they are so fixed in the Book; but the Certificates for Children shall be kept in a separate and distinct Place  
 in the said Book, or in a separate Book, and shall be marked with a Series of running Numbers distinct from that of the  
 Certificates for young Persons.

So soon as any Certificate of Age authorized by this Act shall be obtained, the Number hereinbefore required to be set  
 against each Certificate shall be set against the Name of the Child or young Person to whom such Certificate has been  
 granted in the first Column of the Register of the Persons employed required by this Act to be kept in each Factory.

If the Surgeon shall have refused to grant a Certificate of Age to any Child or young Person the Word "Refused" shall be  
 entered by the Surgeon in the Column of the Register where the Numbers of the Certificates are required to be inserted.

## PRINT WORKS REGULATION ACT, VICTORIA, C.

## CERTIFICATE REFUSED.

I of duly appointed a certifying Surgeon, do hereby declare, That Son [or Daughter]  
 of residing in has been personally examined by me this Day of One  
 thousand eight hundred and and that in my Opinion the said [Child or young Person] has not the ordinary Strength  
 and Appearance of a Child of at least Eight Years of Age [or of a young Person of at least Thirteen Years of Age], or [or  
 and] is incapacitated by Disease and bodily Infirmary from working in a Print Work for the time allowed by this Act.  
 Signed Certifying Surgeon.

N.B.—The words within Brackets shall be in the Handwriting of the certifying Surgeon, who shall insert the Reason of his Refusal to be either on account of deficient Age or bodily Infirmary, or both, as the Case may be.

## PRINT WORKS REGULATION ACT, VICTORIA, C.

## SCHOOL CERTIFICATE BOOK.

I HEREBY certify, That the Child *A.B.*, Son [or Daughter] of *C.D.* and *E.F.* residing in attended the  
 School kept by me at in the Parish and County of for the Number of Hours and  
 at the Time on each Day specified in the Columns opposite to his [or her] Name.  
 During the Week ending on Saturday the Day of 18 .

Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.		Total No. of Hours during this Week.
From	To	From	To	From	To	From	To	From	To	From	To	

Signed this Day of 18 . Schoolmaster,

During the Week ending on Saturday the Day of 18 .

Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.		Total No. of Hours during this Week
From	To	From	To	From	To	From	To	From	To	From	To	

Signed this Day of 18 . Schoolmaster,

Under the Column headed with the Days of the Week the Periods of the Day that each Child attends School shall be stated as thus, from Nine to Twelve, or from Two to Five, or any other Time, as the Case may be.

The Time when each Child attends School, or the Word "Absent," shall be stated in the Column for each Day in the Handwriting of the Schoolmaster; and no Certificate shall be valid unless the Schoolmaster shall, in his own Handwriting, subscribe to it his Christian and Surname in full.

Each Certificate Book shall contain Twenty-six Forms similar to the above, and shall be valid for the Purposes of this Act for Six Months only, either from the First Day of January to the last Day of June, or from the First Day of July to the last Day of December of any Year; and at the Expiration of either Period of Six Months such Certificate Book, containing the School Attendance of the Child certified, shall be delivered by the Parent or other Person having direct Benefit from the Wages

of such Child to the Occupier of the Print Work where such Child is employed, and if the Child cease to be employed in the Print Work to the Occupier of which such School Certificate Book was delivered, the Parent or other Person as aforesaid shall be entitled, on demand, to have the said Certificate Book restored to him.

**SCHEDULE (B.)**

**REGISTERS.**

*Form of the Register of Children.*

**LIST of CHILDREN employed in this PRINT WORK.**

No. of Reference to Age Certificate Book, as required by Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any Child ceases to be employed, insert opposite the Name the Word "Left;" and when any Child completes his Thirteenth Year of Age the Word "Thirteen."	School at which the Child attends.	
	Surname.	Christian Name.	Month.	Day.	Year.		Name of the Master.	Situation of the School.

This Register shall contain the Name of every Child employed in the Print Work, to be entered in alphabetical Order, successively when engaged to work, whether for the first Time, or after having left, when re-engaged to work.

At the Beginning of this Register shall be inserted—

1. The Name of the Occupier or Firm.
2. The Name of the Print Work, the Place, Township, Parish, and County where it is situated, and the Post Office to which the Occupier desires his Letters to be directed.
3. The Nature of the Work carried on.
4. The Clock by which the Employment of the Workers in the Print Work is regulated.

Every Alteration in any of the above Particulars shall be inserted immediately after the Alteration shall have been made.

*Form for the Register of young Persons.*

**LIST of YOUNG PERSONS employed in this FACTORY.**

No. of Reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any young Person ceases to be employed, insert opposite the Name the Word "Left;" and when any young Person completes his Sixteenth Year of Age, the Word "Sixteen."
	Surname.	Christian Name.	Month.	Day.	Year.	

The Visits of the certifying Surgeon to the Print Work shall be recorded in this Register in the Manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	•	†	

\* If the Surgeon shall be told that there is no Child or young Person in the Print Work to be examined at the Time of his Visit he shall insert in this Column the Word "None."

† If none be granted he shall insert the Word "None."

#### SCHEDULE (C.)

*Notice to be fixed up in the Print Work.*

Form for the NOTICE to be fixed up of the Names and Addresses of the Inspector and Sub-Inspector, and the Clock for regulating the Hours of Work in the Print Work.

Name and Address of the Inspector of the District . . . . .  
 Name and Address of the Sub-Inspector of the District . . . . .  
 Name and Address of the Surgeon who grants Certificates of Age for the }  
 Print Work . . . . . }  
 Clock by which the Hours of Work are regulated . . . . .

#### SCHEDULE (D.)

*Forms of Summonses and Conviction.*

FORM of SUMMONS to be issued by an Inspector or Sub-Inspector against a Person who has committed an Offence.

County of }  
 [or Borough of ]

To the Constable of

WHEREAS it appeareth to me I.F., one of Her Majesty's Inspectors [or Sub-inspector] of Factories, that A.D. of  
 in the County [or Borough, &c.] of hath offended against the Act made in the  
 Year of Her Majesty's Reign, intituled [here set forth the Title of this Act]; forasmuch as he, the said A.D., on the  
 Day of in the Year of our Lord at in the County [or Borough,  
 &c.] of did [here set forth the Substance of the Charge]: These, therefore, are to require you forthwith to  
 summon the said A.D. to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the County  
 [or Borough, &c.] of who shall be present at in the County [or Borough, &c.] of  
 on the Day of at the Hour of in the noon of the same Day, to  
 answer to the said Charge, and to be further dealt with according to Law, and be you then there to certify what you have  
 done in the Premises. Herein fail not.

Given under my Hand, this

Day of

in the Year of our Lord

Signed I.F. Inspector [or Sub-Inspector].

FORM of SUMMONS of a Witness to be issued by an Inspector or Sub-Inspector.

County of }  
 [or Borough of ]

To the Constable of

WHEREAS it appeareth to me, I.F., one of Her Majesty's Inspectors [or Sub-Inspector] of Factories, that A.D. of  
 in the County [or Borough, &c.] of hath offended against the Act made in the  
 Year of Her Majesty's Reign, intituled [here set forth the Title of the Act]; forasmuch as he, the said A.D. on the  
 Day of in the Year of our Lord at in the County [or Borough, &c.] of  
 &c.] is a material Witness to be examined concerning the said Charge: These, therefore, are to require you forthwith to

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summon the said B.P. to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the County [or Borough, &c.] of \_\_\_\_\_ as shall be present at \_\_\_\_\_ in the County [or Borough, &c.] of \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ at the Hour of \_\_\_\_\_ in the noon of the same Day, to testify his Knowledge concerning the Premises, and be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand, this \_\_\_\_\_

Day of \_\_\_\_\_

Signed \_\_\_\_\_

in the Year of our Lord \_\_\_\_\_

L.F., Inspector [or Sub-Inspector.]

#### FORM OF CONVICTION.

County of \_\_\_\_\_ } Be it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year One thousand [Liberty or Borough, \_\_\_\_\_] eight hundred and \_\_\_\_\_ A.B. [describe the Offender] is convicted before us J.P. and K.Q., as the Case may be. } Two of Her Majesty's Justices of the Peace for the County [Liberty or Borough, as the Case may be], of \_\_\_\_\_ in pursuance of an Act passed in the \_\_\_\_\_ Year of the Reign of Queen Victoria, intituled [here insert the Title of this Act], for that he [describe the Offence].

Given under our Hands and Seals, the Day and Year above written.

J.P. (L.S.)

K.Q. (L.S.)

#### CAP. XXX.

AN ACT to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council*.

(30th June 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. Recited provisions of 3 & 4 Will. 4. c. 41. not to apply to appeals admitted by Sudder Courts after the 1st of January 1846.
2. Appeals admitted after the 1st of January 1846 to be considered as abandoned by consent, unless, &c.

By this Act,

After reciting that by 3 & 4 Will. 4. c. 41. reciting that various appeals to his Majesty in council from the courts of Suddur Dewanny Adawlut at the several Presidencies of Calcutta, Madras and Bombay, in the East Indies, had been admitted by the said Courts, and the transcripts of the proceedings in appeal had been from time to time transmitted under the seal of the said courts through the East India Company, then called the United Company of Merchants of England trading to the East Indies, to the office of his Majesty's said Privy Council, but that the suitors in the causes so appealed had not taken the necessary measures to bring on the same to a hearing, it was enacted that it should be lawful for his Majesty in Council to give such directions to the said company and other persons, for the purpose of bringing to a hearing before the Judicial Committee of the Privy Council the several cases appealed or thereafter to be appealed to his Majesty in council from the several courts of Suddur Dewanny Adawlut in the East Indies, and for appointing agents and counsel for the different parties in such appeals, and to make such orders for the security and payment of the costs thereof as his said Majesty in council should think fit, and thereupon such appeals should be heard and reported on to his Majesty in council, and should be by his Majesty in council determined, in the same manner, and the judgments, orders, and decrees of his Majesty in council thereon should be of the same force and effect, as if the same had been brought to a hearing by the direction of the parties appealing, in the usual course of proceeding: Provided always, that such last-mentioned powers should not extend to any appeals from the said courts of Suddur Dewanny Adawlut other than appeals in which no proceedings then had been or should thereafter be taken in England on either side for a period of two years subsequent to the admission of the appeal by such court of Suddur Dewanny Adawlut: And that by certain orders in council made under certain powers contained in the said Act provision is made for registering in the Council Office the arrival in this country of the transcripts of the proceedings in appeals from the said courts: And that it is considered advisable that the said Act should be amended in manner hereinafter mentioned:—

It is Enacted,

1. That the hereinbefore recited provisions of the said Act shall not apply to the case of any appeal which shall be admitted by any of the said Courts of Suddur Dewanny Adawlut after the 1st of January 1846.

11. That any appeal to be admitted by any of the said Courts of Suddur Dewanny Adawlut after the said 1st of January 1846 shall be considered and be held to be abandoned and withdrawn by consent of the parties thereto, unless proceedings shall be taken in England in the same by one or more of the parties thereto within two years after registration at the Council Office of the arrival of the transcript; and any such appeal as aforesaid shall be held to be abandoned and with-

drawn in like manner under any other circumstances which her Majesty in council may from time to time by any orders or rules in that behalf direct to be taken and considered as a withdrawal thereof; and the East India Company are hereby required from time to time to ascertain and certify to the proper Courts in the East Indies all appeals which may from time to time become abandoned and dropped under the provisions of this clause.

## CAP. XXXI.

AN ACT to facilitate the Transmission and Extinction of Heritable Securities for Debt in *Scotland*.  
(30th June 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Heritable securities to be transferred in the form prescribed. When conveyance of heritable security is contained in a general deed of conveyance, the whole of such deed need not be recorded.*
2. *Completion of title of heir by writ of acknowledgment from proprietor.*
3. *Adjudgers to complete their title by recording the abbreviate of adjudication.*
4. *Heir or general disponee may complete title by notarial instrument recorded.*
5. *Assignations, conveyances, &c. to be registered forthwith.*
6. *Assignations or conveyances to be registered at any time.*
7. *In all questions under the Bankrupt Acts in Scotland, the dates of the registration of assignations, &c. to be held to be the dates of the instruments.*
8. *How any bond or disposition in security may be renounced or discharged.*
9. *Parties may use the present forms if they see fit.*
10. *Fees to be taken by existing town clerks of royal burghs and keepers of registers during their respective rights of office, &c.*
11. *Fees may be regulated by the Court of Session.*
12. *Interpretation clause.*—"Notary Public;" "Creditor;" "Lands;" "Number;" "Gender."
13. *Commencement of Act.*
14. *Act may be amended or repealed.*

By this Act,

After reciting that it is expedient to facilitate the transmission and extinction of heritable securities for debt in Scotland :

It is Enacted,

I. That where an heritable security has been constituted by infestment the right of the creditor therein may be transferred either in whole or in part, by an assignation or other deed of conveyance, in the form or as nearly as may be in the terms set forth in the Schedule (No. 1.) hereto annexed; and on such assignation or conveyance being recorded in the general register of sasines, or in the particular register or burgh register of sasines applicable to the lands contained in the security, the said heritable security shall be transferred to the assignee as effectually as if such heritable security had been disposed and assigned, and the disposition and assignation or conveyance had been followed by sasine duly recorded according to the present law and practice; and such assignee or disponee shall thereupon be held to be fully entered as if he had obtained a renewal of the investiture in his favour, according to the law and practice in use before the passing of this Act: Provided always, that where the assignation or conveyance of an heritable security constituted as aforesaid is contained in a deed of conveyance granted for further purposes and objects, or conveying other properties, such as a marriage contract, deed of trust or settlement, it shall not be necessary to record the whole of such deed, but it shall be sufficient to expedite and to put upon record a notarial instrument, setting forth generally the nature of the deed of conveyance, and containing at length the part of such deed which relates to and conveys the security in question.

II. That upon the death of any creditor fully vested in right of an heritable security constituted as aforesaid, it shall be competent for his heir to complete his title thereto by a writ of acknowledgment to be granted in his favour by the person duly infest, of whom such security is held, in the form and as nearly as may be in the terms set forth in Schedule (No. 2.) hereto annexed; and on such writ being registered in the general register of sasines, or the particular or burgh register respectively as aforesaid, the heir in whose favour such writ has been granted shall be vested with the full right of the creditor in such security, and shall be held to be entered with the superior in like manner and to the same effect as the creditor himself.

III. That where an adjudication of any heritable security, vested as aforesaid, has been brought against the creditor in such security, or against the heir of such creditor, it shall be competent for the adjudger to complete his title thereto by recording, in the general or particular or burgh registers of sasines respectively as aforesaid, the abbreviate of the adjudication; which registration shall have the same effect as if the adjudger had been entered and infest on a charter of adjudication.

IV. That it shall be competent to the heir duly served and retoured, or to the general disponee of any creditor, who was duly vested in an heritable security as above mentioned, to complete his title to such security without the intervention of the

superior, by expediting and recording an instrument under the hands of a notary public, in the form and as nearly as may be in the terms set forth in Schedule (No. 3.) hereto annexed, and on such instrument being registered in the general, particular, or burgh registers respectively as above mentioned, such heir or disponee shall be taken to be vested with the full right of the creditor in such security and to be entered with the superior, in the same manner and to the same effect as the creditor himself.

v. That assignments and conveyances of heritable securities, writs of acknowledgment in favour of heirs, or instruments taken in favour of heirs or disponees, or discharges of heritable securities, presented for registration in pursuance of this Act, shall be forthwith shortly registered in the minute books of the register of sasines in common form, and shall, with all due dispatch, be fully registered in the register books, and thereafter re-delivered to the parties, with certificates of due registration thereon, which shall be probative of such registration, such certificates specifying the date of presentation and the book and folio in which the ingrossment has been made, and being subscribed by the keeper of the register; and the date of entry in the minute book shall be held to be the date of registration, and extracts of writings, registered in pursuance of this Act, shall make faith in all cases, in like manner as the writings registered, except where the writings so registered are offered to be improved.

vi. That assignments or conveyances of heritable securities, constituted as aforesaid, may be registered at any time; and all such writings shall in competition be preferable according to the date of the registration thereof.

vii. That in all questions under an Act passed by the Parliament of Scotland in 1696, intituled 'An Act for declaring Notour Bankrupt;' and under an Act, 54 Geo. 3, intituled 'An Act for rendering the Payment of Creditors more equal and expeditious in Scotland;' and under an Act, 2 & 3 Vict. intituled, 'An Act for regulating the Sequestration of the Estates of Bankrupts in Scotland;' the date of the registration of all assignments, conveyances, writs of acknowledgment, instruments, discharges, or other deeds granted or taken in pursuance of this Act, shall be held to be the date of such assignments, conveyances, writs of acknowledgment, instruments, discharges, and deeds respectively, without prejudice to their validity or invalidity in other respects.

viii. That any bond and disposition in security, completed by infestment or other heritable security, may be effectually renounced and discharged, in whole or in part, by a discharge in the form or as nearly as may be in the terms set forth in the Schedule (No. 4.) hereto annexed, and by the registration of such discharge in the general register of sasines or the particular or burgh register of sasines as aforesaid.

ix. And it is enacted and declared, That nothing in this Act contained shall prevent the transmission or extinction of heritable securities in the forms in use at the passing of this Act.

x. That nothing herein contained shall be construed to prevent the existing town clerks of royal burghs in Scotland, during the existence of their respective rights of office, from exacting and receiving the same fees in respect of the recording of assignments or conveyances of heritable securities, abbreviates of adjudication, writs of acknowledgment in favour of heirs, or instruments taken in favour of heirs and disponees under this Act, as the same town clerks would before the passing of this Act have been legally entitled to exact or receive on their own account, in respect of passing the infestments within burgh, and preparing and recording the instruments of sasine and resignation rendered unnecessary by such assignments, conveyances, writs of acknowledgment, instruments, or abbreviates of adjudication as aforesaid; provided always, that in computing the said fees such instruments of sasine and resignation shall not be computed as of greater length than the writings actually recorded whereby such instruments of sasine and resignation have been rendered unnecessary; and all other keepers of registers of sasine, during the existence of their respective rights of office, or until otherwise regulated by law, shall, upon the registration by them of each assignment, conveyance, writing of acknowledgment, abbreviate of adjudication, or instrument aforesaid, registered under the provisions of this Act, be entitled to the same fees as such keeper would have been entitled to upon the registration of an instrument of sasine of the same length in favour of the same party in reference to the same right, and to no other or further fee whatever.

xi. And it is enacted and declared, That nothing in this Act contained shall prevent the Court of Session from passing such acts of sederunt as the said Court may deem proper for regulating the aforesaid registers, and the fees to be paid to the several keepers thereof, and having regard to the nature and extent of the interests of such keepers.

xii. That the following words used in this Act and in the schedules hereto annexed shall in the construction thereof be interpreted as follows, except where the nature of the provision or the context of the Act shall be repugnant to such construction; (that is to say,) the words "notary public" shall be held to mean a notary public in Scotland duly admitted and practising there; the word "creditor," shall extend to and include the party in whose favour the heritable security is granted, or who is in right thereof; the word "lands" shall include all heritable subjects or real estate over which the security extends and whereof infestment may be taken; every word importing the singular number shall extend and be applied to several persons as well as one person, and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

xiii. That this Act shall commence and take effect from and after the 1st of October in the present year 1845.

xiv. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

## SCHEDULES to which the foregoing Act refers.

## SCHEDULE (No. 1.)

*Form of Assignment of a Bond and Disposition in Security and Sasine thereon.*

I A.B. [Name and Designation of Cedent], in consideration of the Sum of [insert Sum] now paid to me, do hereby assign, dispose, and convey to and in favour of C.D. [Name and Designation of Assignee], a Bond or Disposition in Security, dated the [insert the Date], for the Sum of [insert Sum], granted by E.F. (a) [Name and Designation of Debtor] in my Favour, with Interest from the [insert Date], and also all and whole [describe the Lands], (b) all as specified and described in the said Bond and Instrument of Sasine thereon, and registered in the [here specify the Register of Sasines in which the Sasine is registered], on the [specify Date of Registration]. In witness whereof, &c. [Here insert a Testing Clause in legal Form.]

G.H., Witness.

(Signed) C.D.

I.K., Witness.

Note (a).—If the Conveyance is granted not by the original Creditor in the Security, but by a Person to whom the Security has already been assigned, or in whom it has become vested by Succession or Diligence, the Conveyance will shortly narrate the Title or Series of Titles by which the Granter of the Conveyance has Right to it.

(b) Where the Assignment is made under any Qualification or Condition, such will be introduced after the Description of the Lands.

## SCHEDULE (No. 2.)

*Form of Writ of Acknowledgment by a Person infeft of Lands in favour of the Heir or Disponee of Creditor.*

I A.B. [insert Name and Designation of Granter] hereby acknowledge C.D. [insert Name and Designation of Creditor], being [specify Relationship], and thereby in right of a Bond and Disposition in Security, dated [insert Date], for the Sum of [insert Sum], granted by [insert Name and Designation of Debtor] in favour of [insert Name and Designation of Creditor], and Sasine thereon, registered in the [specify the Register of Sasines in which the Sasine is registered] on the [specify Date of Registration], over all and whole [describe the Lands]. In witness whereof, &c. [Here insert a Testing Clause in legal Form.]

E.F., Witness.

(Signed) A.B.

G.H., Witness.

## SCHEDULE (No. 3.)

*Form of Instrument in favour of an Heir of a Creditor.*

As it known that, by Bond and Disposition in Security, dated the [insert Date], and Sasine thereon, registered in the [specify Register of Sasines] on the [insert Date], granted by A.B. in favour of C.D., the said A.B. bound and obliged himself [insert the personal Obligation and Disposition of the Lands in Security, with the Description of them contained in the Bond], to which Bond and Disposition in Security, and Lands and others therein contained, and Sasine thereon, E.F. acquired Right by [general or special Service, as the Case may be], as [specify Character in which Heir was served] to the said C.D., dated the [insert Date of Service], before the [specify the Court before which the Heir has been served], and duly retoured to Chancery [if the Party be a Disponee, state the Date of the Disposition in his Favour]. (a) Whereupon this instrument is taken by the said E.F. in the Hands of G.H. [Name and Designation of Notary Public] in the Terms of the Act Victoria, intituled "An Act to facilitate the Transmission and Extinction of Heritable Securities for Debt in Scotland." In witness whereof, [here insert a Testing Clause in legal Form].

J.K., Witness.

(Signed) G.H.

L.M., Witness.

Notary Public.

Note (a).—If the Person in whose Favour the Instrument is taken is not the Heir or Disponee of the original Creditor, but of one who has acquired Right to the Debt, here specify shortly the Title or Series of Titles by which the Ancestor of the Heir or Author of the Disponee acquired such Right.

## SCHEDULE (No. 4.)

*Form of Discharge of Bond and Disposition in Security.*

I A.B., in consideration of the Sum of [specify Sum] now paid to me by C.D., do hereby discharge a Bond and Disposition, dated [insert Date], in security for the Sum of [insert Sum] granted by [insert Name and Designation of Debtor], in favour of [specify name and Designation of Grantee], and of all Interest due thereon; (a) and I declare to be redeemed and disburdened thereof, and of the Infetment following thereon, all and whole [describe the Lands], all as specified and described in the said Bond and Disposition in Security, and Instrument of Sasine thereon, as the same is registered in the [specify the Register of Sasines in which the Sasine is registered], on the [specify Date of Registration]. In witness whereof, &c. [Here insert a Testing Clause in legal Form.]

E.F., Witness.

(Signed) A.B.

G.H., Witness.

Note (a).—If the Granter of the Discharge is not the original Creditor, but one who has acquired Right to the Debt, specify shortly, immediately before the Testing Clause of the Writing, the Title or Series of Titles by which the Granter acquired such Right.



## CAP. XXXII.

AN ACT to alter and amend the Laws enabling Justices of the Peace in certain Cases to borrow Money on Mortgage of the County Rates, so far as the same relate to the County of *Middlesex*.

(30th June 1846.)

## ABSTRACT OF THE ENACTMENTS.

1. *So much of the recited Acts as authorizes the borrowing of money on mortgage of the rates repealed, so far as relates to the county of Middlesex.*
2. *Justices for the county of Middlesex empowered to borrow money on security of the county rate, for building or repairing gaols, &c.*
3. *And to charge the county rate with the interest, and so much more as will repay the principal in thirty years.*
4. *Expenses of Act.*
5. *Public Act.*
6. *Alteration of Act.*

By this Act,

After reciting that by 4 Geo. 4. c. 64, Justices of the Peace in Quarter Sessions assembled were authorized, under the restrictions therein mentioned, from time to time to borrow and take up on mortgage of the rate of any county such sum of money and for such purposes as therein mentioned, and to secure every such sum of money so borrowed upon the credit of the said rate: And that by 5 Geo. 4. c. 85, the Justices of the Peace assembled at any General or Quarter Sessions to be holden for any county were authorized, in certain cases, and under the restrictions therein mentioned, to borrow on mortgage of the rate of such county any sum or sums of money not exceeding in the whole the principal sum of money that might then be outstanding on the securities theretofore granted under the said first-recited Act, and therewith to discharge the whole or any part of the money for which such securities should have been given: And that by 6 Geo. 4. c. 40, the Justices of the Peace assembled at any General or Quarter Sessions to be holden for any county were authorized, in certain cases, and under the restrictions therein mentioned, to borrow on mortgage of the rate of such county any sum or sums of money not exceeding in the whole the principal sum of money that might then be outstanding on the securities theretofore granted under the provisions of the said recited Acts, 4 Geo. 4. c. 64, and 5 Geo. 4. c. 85, or either of them, or under the provisions of an Act, 48 Geo. 3. c. 96, intituled, 'An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in England,' or under the provisions of any other Act or Acts, and therewith to pay off and discharge the whole or any part of the money for which such securities should have been given; and by the same now reciting Act some of the restrictions imposed by the said hereinbefore recited Acts upon the power thereby given to borrow money on mortgage of the rate of any county as aforesaid were repealed: And that by 7 Geo. 4. c. 63, the Justices of the Peace in Quarter Sessions assembled were authorized, under the restrictions therein mentioned, from time to time to borrow and take up on mortgage of the rate of any county such sum of money and for such purposes as therein mentioned, and to secure every such sum of money so borrowed upon the credit of the said rates; and by the now reciting Act the said recited Act, 6 Geo. 4. c. 40, and the several clauses, powers, and provisions therein contained relating to the paying off of any debt or debts, and the borrowing of any money for such purposes, were made applicable to the paying off any money borrowed under the provisions or for the purposes of the now reciting Act: And that by 9 Geo. 4. c. 40, the Justices of the Peace within the respective limits of their commission, assembled in their Quarter Sessions, were authorized, under the restrictions therein mentioned, from time to time to borrow and take up on mortgage of the rates for any county such sum of money and for such purposes as therein mentioned, and to secure all and every such sum and sums of money so borrowed upon the credit of the rates to be raised upon such county respectively: And that by 4 & 5 Vict. c. 49, the Justices of the Peace in Quarter Sessions assembled were authorized, under the restrictions therein mentioned, from time to time to borrow and take upon mortgage of the rate of any county such sum of money and for such purposes as therein mentioned, and to secure every such sum of money so borrowed upon the credit of the said rate; and by the now reciting Act the said recited Act, 6 Geo. 4. c. 40, and the several clauses, powers, and provisions in the said recited Act contained, relating to the paying off of any debt or debts, and the borrowing of any money for such purposes were made applicable to the paying off any money borrowed under the provisions or for the purposes of the now reciting Act: And that by 5 & 6 Vict. c. 98, some of the restrictions imposed by the said recited Act of 4 Geo. 4. c. 64, upon the power thereby given to borrow money on mortgage of the rate of any county, for the purposes therein mentioned, were repealed, and in lieu thereof other restrictions were imposed upon the power given by the said last-mentioned Act to borrow money for the purposes therein mentioned: And that the rates of the county of Middlesex are now charged with the payment of a large amount of money, under the provisions of the several hereinbefore recited Acts or some of them, and certain other Acts; and that it may from time to time be necessary to borrow on mortgage of the same rates further sums of money, to be applied for the purposes mentioned in the said several recited Acts, 4 Geo. 4. c. 64, 7 Geo. 4. c. 63, 9 Geo. 4. c. 40, and 4 & 5 Vict. c. 49; but such of the restrictions imposed by the same several Acts respectively, and by the said recited Act of 5 & 6 Vict. c. 98, upon the powers given to borrow money for the purposes aforesaid, as still remain unrepealed, make the borrowing of money on mortgage of the rates of the said county of Middlesex for the purposes aforesaid unnecessarily burden some to the rate-payers of the said county; and the provisions contained in the said several recited Acts of 5 Geo. 4. c. 85, 6 Geo. 4. c. 40, and 7 Geo. 4. c. 63, and in the said recited Act, 4 & 5 Vict. c. 49, enabling Justices of the Peace to borrow money for the purpose of paying off or discharging money borrowed under the provisions or for the purposes of the said recited Acts, or some of them, may render it difficult for the Justices of the Peace of the said county of Middlesex to borrow money on mortgage of the rates of the same county, for the purposes aforesaid, upon terms advantageous to the said rate-payers; and it is therefore expedient that so much of the said several recited Acts as authorizes the Justices of the Peace

borrow money on mortgage of county rates for any other purpose than that of paying off or discharging money which at the time of the passing of this Act hath been borrowed on mortgage of the rates of any county should be repealed, so far as relates to the county of Middlesex; and that the Justices of the Peace for the same county should be authorized to borrow on mortgage of the rates of the same county such sums of money as may be hereafter required for the purposes mentioned in the said several hereinbefore recited Acts, 4 Geo. 4. c. 64, 7 Geo. 4. c. 63, and 9 Geo. 4. c. 40, and the said Act 4 & 5 Vict. c. 49, respectively, (other than for paying off or discharging money hereafter to be borrowed on mortgage of the rates of the same county,) without being subject to the restrictions by the same several Acts and the said recited Act, 5 & 6 Vict. c. 98, respectively imposed upon the powers thereby given to borrow money for the purposes aforesaid, but subject to such other restrictions as are hereinafter imposed:—

It is Enacted,

- I. That so much of the said several recited Acts as authorizes the Justices of the Peace for any county to borrow money on mortgage of the rates to be raised upon such county for any purpose (other than the purpose of paying off or discharging any money which at the time of the passing of this Act hath been borrowed on mortgage of the rates of such county,) so far as the said several recited Acts respectively relate to the said county of Middlesex, shall be and the same is hereby repealed.
- II. That from time to time, when any estimate shall have been approved by the Justices of the Peace for the said county of Middlesex in General or Quarter Sessions assembled, for the building or rebuilding, repairing or enlarging any gaol or house of correction in and for the said county, under the powers of the said recited Act, 4 Geo. 4. c. 64, and also when any estimate shall have been approved by the Justices of the Peace for the said county in General or Quarter Sessions assembled, for the building or rebuilding, repairing, improving, or enlarging any shire hall, county hall, or other building in and for the said county, under the powers of the said recited Act, 7 Geo. 4. c. 63, and also when it shall seem necessary and expedient to the Justices of the Peace for the said county in General or Quarter Sessions assembled to borrow and take up on mortgage of the rates to be raised upon the said county any money, in order to defray the charge and costs of carrying the said recited Act, 9 Geo. 4. c. 40, relating to county lunatic asylums, into execution, so far as the same relates to the said county, and also when any estimate shall have been approved by the Justices of the Peace for the said county in General or Quarter Sessions assembled for the upholding, maintaining, supporting, altering, widening, repairing, improving, or rebuilding of any county bridge or bridges, or the approaches thereto, or the land arches connected therewith, which the said county is legally bound to repair or maintain, it shall and may be lawful for the Justices of the Peace for the said county in General or Quarter Sessions assembled from time to time to borrow and take up at interest on mortgage of the rate of the said county, by instrument in the form contained in the Schedule to this Act annexed, or to the like effect, any sum or sums of money, not exceeding the amount of such estimates or of such charge and costs as aforesaid respectively (as the case may be), as to the said Justices shall appear necessary and expedient for the purposes aforesaid, and to secure every such sum of money so borrowed upon the credit of the said rate.
- III. That from time to time when the Justices of the Peace for the said county shall borrow any money under the powers of this Act, the said Justices shall charge the rate to be raised upon the said county, not only with the interest of the money so borrowed, but also with the payment of such further sum as will insure the payment of the whole sum borrowed within thirty years from the time of borrowing the same; and such sums shall be assessed on the said county in such manner as county rates are directed to be assessed under the laws in force for that purpose, and shall be paid and applied, under the direction of the said Justices, in discharge of the interest and of so many of the principal sums on the said securities as such money will extend to discharge in each year, until the whole of the money for which such securities shall be made, and the interest thereof, shall be fully paid and discharged; and the said Justices shall and they are hereby required to fix one or more day or days in each year on which such payment shall be made, and shall make orders for assessments in due time, so as to provide for the regular payment thereof; and such Justices shall also and they are hereby required to appoint a proper person to keep an exact and regular account of all the receipts and payments under the authority of this Act in a book or books separate and apart from all other accounts, and the same to adjust and settle in such manner as that it may easily be seen that interest is growing due, and what principal money has been discharged, and what remains due, and the book or books so adjusted and settled to deliver into court at every General or Quarter Sessions to be held for the said county; and the said Justices shall also and they are hereby required at every such sessions carefully to inspect all such accounts, and to make orders for carrying the several purposes of this Act into execution, in such manner as to them shall seem meet.
- IV. That the costs and expenses of preparing, obtaining, and passing this Act, and all other charges incident or relating thereto, shall be paid by the treasurer of the said county of Middlesex out of the first monies which shall be in his hands on account of the county rates.
- V. That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such.
- VI. That this Act may be amended or repealed by any Act or Acts to be passed in this present session of Parliament.

#### The SCHEDULE referred to in this Act.

WE, One of Her Majesty's Justices of the Peace, and Chairman of the Court of General [or Quarter] Sessions of the Peace for the County of Middlesex, holden at the Sessions House situate at \_\_\_\_\_ in and for the County of the \_\_\_\_\_ Day of \_\_\_\_\_ and \_\_\_\_\_ Two others of Her Majesty's Justices of the Peace acting for the said County, and assembled in the said Court, in pursuance of the Powers to us given by an Act made in the \_\_\_\_\_ Year of the Reign of Her present Majesty Queen Victoria, intituled [here insert the Title of this Act], do hereby in open Court mortgage and charge all the Rates to be raised within the said County under the Description of County Rates with the Payment of the Sum of \_\_\_\_\_ of lawful Money of Great Britain and Ireland, which

hath proposed and agreed to lend and hath now actually paid to the Treasurer of the said County of Middlesex, upon the Credit of the said Rates, to defray the Expense of [*state the Purpose to which the Money is to be applied*]; and we do hereby confirm and establish the same unto the said his Executors, Administrators, and Assigns, for securing the Repayment of the said Sum of \_\_\_\_\_ and Interest for the same after the Rate of \_\_\_\_\_ for every One hundred Pounds for a Year; and do order the Treasurer for such County of Middlesex to pay the Interest of the said Sum of \_\_\_\_\_ or of so much thereof as shall from Time to Time remain undischarged, half-yearly on the \_\_\_\_\_ Day of \_\_\_\_\_ and the \_\_\_\_\_ Day of \_\_\_\_\_ in every Year, as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act; and to pay One equal Thirtieth Part or Share of the said Principal Sum of \_\_\_\_\_ to the said his Executors, Administrators, and Assigns, on the \_\_\_\_\_ Day of \_\_\_\_\_ which will be in the Year of \_\_\_\_\_ our Lord One thousand eight hundred and \_\_\_\_\_ and One other equal Thirtieth Part or Share of the said Principal Sum on the \_\_\_\_\_ Day of \_\_\_\_\_ in each and every succeeding Year, until the whole of the said Sum of \_\_\_\_\_ shall be fully paid and discharged, pursuant to the Directions of the said Act. As witness our Hands and Seals, the Day and Year first above written.

Signed, sealed and delivered }  
in the Presence of }

## CAP. XXXIII.

AN ACT for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways in *Scotland*.

(21st July 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. Operation of the Act confined to future railways.
2. Interpretations in this Act: "*special Act*;" "*prescribed*;" "*the lands*;" "*the undertaking*."
3. Interpretations in this and the special Act: number; gender; "*lands*;" "*lease*;" "*toll*;" "*month*;" "*Lord Ordinary*;" "*oath*;" "*county*;" "*sheriff*;" "*Justice*;" "*two Justices*;" "*owner*;" "*the Bank*;" "*the company*;" "*the railway*;" "*Board of Trade*."
4. Short title of the Act.
5. Form in which portions of this Act may be incorporated in other Acts.
6. The construction of the railway to be subject to the provisions of this Act and the *Lands Clauses Consolidation (Scotland) Act*.
7. Errors and omissions in plans to be corrected.
8. Works not to be proceeded with until plans of all alterations authorized by Parliament have been deposited.
9. Sheriff clerks, &c. to receive plans of alterations, and allow inspection.
10. Copies to be evidence.
11. Limiting deviation from datum line described on sections, &c.
12. Previous notice of such deviation to be given.
13. Arches, tunnels, &c. to be made as marked on deposited plans.
14. Limiting deviations from gradients, curves, &c.
15. Lateral deviations.
16. Works to be executed.—Inclined planes, &c.—Alteration of course of rivers, &c.—Drains, &c.—Warehouses, &c.—Alterations and repairs.—General power.—Proviso as to damages.
17. Works on the shore of the sea, &c. not to be constructed without the authority of the Commissioners of Woods and Forests and Commissioners of the Admiralty.
18. Alteration of water and gas pipes, &c.
19. Company not to disturb pipes until they have laid down others.
20. Pipes not to be laid contrary to Act of Parliament, and 18 inches surface road to be retained.
21. Company to make good all damage.
22. When railway crosses pipes, company to make a culvert.
23. Penalty for obstructing supply of gas or water.
24. Penalty for obstructing construction of railway.
25. Company may occupy temporarily private roads within five hundred yards of the railway.
26. Power to owners and occupiers of road and land to object that other roads should be taken.
27. Power to take temporary possession of land without previous payment of price.
28. Company to give notice previous to such temporary possession.
29. Service of notices on owners and occupiers of lands.
30. Power to owner to object that other lands ought to be taken.
31. Power to the sheriff to summon other owners before him.
32. The company to give sureties, if required.

Construction of  
Railway.

Temporary Use of  
Lands.

<i>Temporary Use of Lands.</i>	33. Company to separate the lands before using them.
	34. Stone quarries, &c. to be worked as surveyor or owner shall direct.
	35. Owners of lands may compel company to purchase lands so temporarily occupied.
	36. Compensation to be made for temporary occupation.
<i>Lands for additional Stations.</i>	37. Compensation to be ascertained under the Lands Clauses Act.
	38. Land to be taken for additional stations, &c.
	39. Crossing of roads.
	40. Provision in cases where roads are crossed on a level.
<i>Crossing of Roads, and Construction of Bridges.</i>	41. As to crossing of turnpike roads adjoining stations.
	42. Construction of bridges over roads.
	43. Construction of bridges over railway.
	44. The width of the bridges need not exceed the width of road in certain cases.
	45. Existing inclinations of roads crossed or diverted need not be improved.
	46. Before roads interfered with, others to be substituted.
	47. Penalty for not substituting a road.
	48. Party suffering damage from interruption of road to recover in an action on the case.
	49. Period for restoration of roads interfered with.
	50. Penalty for failing to restore road.
	51. Company to repair roads used by them.
<i>Screens for Turnpike Roads.</i>	52. Company to make sufficient approaches and fences to bridleways and footways crossing on the level.
	53. Proceedings on application to sheriff or Justices to consent to level crossings of bridleways and footways.
	54. Sheriff or Justices to have power to order approaches and fences to be made to highways crossing on the level.
	55. Screen for turnpike road to be made, if required by the Board of Trade.
<i>Construction or Re-paration of Bridges.</i>	56. Penalty for failing to construct.
	57. Sheriff or Justices to have power to order repair of bridges, &c.
	58. Board of Trade empowered to modify the construction of certain roads, bridges, &c., where a strict compliance with the Act impossible or inconvenient.
	59. Authentication of certificates of the Board of Trade, service of notices, &c.
<i>Works for Accommodation and Protection of Lands.</i>	60. Works to be erected for the accommodation of adjoining lands.—Gates, bridges, &c.; fences; drains; watering places.
	61. Differences as to accommodation works to be settled by sheriff or Justices.
	62. Execution of works by owners on default by the company.
	63. Power to owners of land to make additional accommodation works.
	64. Works to be constructed under the superintendence of the company's engineer.
	65. Accommodation works not to be required after five years.
	66. Owners to be allowed to cross until accommodation works made.
	67. Materials, &c. to vest in company for purposes of prosecution.
<i>Branch Railways.</i>	68. Penalty on persons omitting to fasten gates.
	69. Power to parties to make private branch railways communicating with the railway.—Restrictions and conditions.
<i>Working of Mines.</i>	70. Promoters of the undertaking not to be entitled to minerals.
	71. Mines lying near the railway not to be worked if the company willing to purchase them.
	72. If company unwilling to purchase, owner may work the mines.
	73. Mining communications.
	74. Company to make compensation for injury done to mines;
	75. And also for any airway or other work made necessary by the railway.
	76. Power to the company to enter and inspect the working of mines.
	77. Penalty for refusal to allow inspection.
<i>Passengers and Goods on Railway.</i>	78. If mines improperly worked, supports to be made.
	79. Company to employ locomotive power, carriages, &c.
	80. Company empowered to contract with other companies.
	81. Contract not to affect persons not parties to it.
	82. Company not to be liable to a greater extent than common carriers.
	83. Power to vary tolls under like circumstances.—Tolls to be charged equally under like circumstances.
	84. How tolls to be calculated where railways are amalgamated.
	85. Railway to be free on payment of tolls.
<i>Collection of Tolls.</i>	86. List of tolls to be exhibited on a board.
	87. Milestones.
	88. Tolls to be taken only whilst board exhibited and milestones set up.
	89. Tolls to be paid as directed by the company.
	90. In default of payment of tolls, goods, &c. may be detained and sold.
	91. Account of lading, &c. to be given.
	92. Penalty for not giving account of lading.
	93. Disputes as to amount of tolls chargeable.
	94. Differences as to weights, &c.

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| <i>Collection of Tolls.</i>   | 95. Toll collector to be liable for wrongful detention of goods.   |
|   | 96. Penalty on passengers practising frauds on the company.  |
|   | 97. Detention of offenders.  |
|   | 98. Penalty for bringing dangerous goods on railway.   |
| <i>Bye-Laws.</i>  | 99. Delivery of matters in possession or custody of toll collector at removal.                                       |
|   | 100. Annual account to be made up, and a copy transmitted to the sheriff clerk.                                      |
|   | 101. Company to regulate the use of the railway.   |
|   | 102. Power to make regulations by bye-laws.  |
| <i>Leasing of Railway.</i>  | 103. Publication of such bye-laws.   |
|   | 104. Such bye-laws to be binding on all parties.   |
|   | 105. Exercise of power to lease railway.   |
|   | 106. Powers vested in company to be exercised by lessees.  |
| <i>Carriages and Engines.</i>   | 107. Engines to consume their smoke.   |
|   | 108. Engines to be approved by the company, and certificate of approval given.— <i>Unsafe engines to be removed.</i> |
|   | 109. Penalties on persons using improper engines.  |
|   | 110. Carriages to be constructed according to company's regulations.   |
|   | 111. Regulations to apply also to company's carriages.   |
|   | 112. Penalty for using improper carriages.   |
|   | 113. Owner's name, &c. to be registered, and exhibited on carriages.   |
|   | 114. On non-compliance carriage may be removed.  |
|   | 115. Carriages improperly loaded, or suffered to obstruct the way, may be unloaded or removed.                       |
|   | 116. Company not to be liable for damage by unloading, &c.   |
| <i>Arbitration.</i>   | 117. Owners liable for damage by servants.   |
|   | 118. Owners to recover from servants.  |
|   | 119. Where questions are to be determined by arbitration arbiters to be appointed within fourteen days after notice. |
|   | 120. Vacancy of arbiter to be supplied.  |
|   | 121. Appointment of oversman.  |
|   | 122. Lord Ordinary to appoint an oversman on neglect of arbiters.  |
|   | 123. In case of death of single arbiter, matter to begin de novo.  |
|   | 124. If either arbiter refuse to act, the other to proceed ex parte.   |
|   | 125. If arbiters fail to make their award within twenty-one days the matter to go to the umpire.                     |
|   | 126. Power of arbiters to call for books, &c.  |
|   | 127. Expenses to be in the discretion of the arbiters.   |
|   | 128. Awards to be in writing, and recorded;  |
|   | 129. Not to be set aside for matter of form.   |
|   | 130. Service of notices upon company.  |
|   | <i>Recovery of Damages and Penalties.</i>  |
| 132. Provision for damages not otherwise provided for.                                |  |
| 133. Distress, &c. against the treasurer.   |  |
| 134. Method of proceeding before the sheriff or Justices in questions of damages.     |  |
| 135. Publication of penalties.  |  |
| 136. Penalty for defacing boards used for such publication.                           |  |
| 137. Penalties to be summarily recovered before the sheriff or two Justices.          |  |
| 138. Penalties may be levied by poinding and sale.                                    |  |
| 139. Imprisonment in default of sufficient poinding.                                  |  |
| 140. Poinding and sale how to be made.  |  |
| <i>Special Act.</i>   | 141. Poinding not unlawful for want of form.   |
|   | 142. Application of penalties.   |
|   | 143. Penalties to be sued for within six months.   |
|   | 144. Damage to be made good in addition to penalty.  |
|   | 145. Penalty on witnesses making default.  |
|   | 146. Transient offenders.  |
| 147. Proceedings by sheriff need not be in writing.                                   |  |
| 148. Form of conviction.  |  |
| 149. Proceedings not to be quashed for want of form, &c.                              |  |
| 150. Power of appeal to sheriff.  |  |
| 151. Parties allowed to appeal from Justices to Quarter Sessions, on giving security. |  |
| 152. Court to make such order as they think reasonable.                               |  |
| 153. Copies of special Act to be kept and deposited, and allowed to be inspected.     |  |
| 154. Penalty on company failing to keep or deposit Act.                               |  |
| 155. Alteration of Act.   |  |

## By this Act,

After reciting that it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament authorizing the construction of railways in Scotland, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for insuring greater uniformity in the provisions themselves: And that a Bill is now pending in Parliament, intituled 'An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature in Scotland,' and which is intended to be called 'The Lands Clauses Consolidation (Scotland) Act, 1845':—

## It is Enacted,

I. That the provisions of this Act shall apply to every railway in Scotland which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith, as forming one Act.

II. And with respect to the construction of this Act, and other Acts to be incorporated therewith,—it is enacted as follows: The expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the construction of a railway, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed" used in this Act in reference to any matter herein stated shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word shall occur shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used; and the expression "the lands" shall mean the lands which shall by the special Act be authorized to be taken or used for the purposes thereof; and the expression "the undertaking" shall mean the railway and works, of whatever description, by the special Act authorized to be executed.

III. The following words and expressions both in this and the special Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include also the singular number:

Words importing the masculine gender only shall include females:

The word "Lands" shall include lands, houses, tenements, and heritages of any tenure:

The word "Lease" shall include a missive or an agreement for a lease:

The word "Toll" shall include any rate or charge or other payment payable under the special Act, for any passenger, animal, carriage, goods, merchandise, articles, matters, or things conveyed on the railway:

The word "Month" shall mean calendar month:

The "Lord Ordinary" shall mean the Lord Ordinary of the Court of Session in Scotland officiating on the Bills in time of vacation, or the junior Lord Ordinary if in time of session, as the case may be:

The word "Oath" shall include affirmation in the case of Quakers, or other declaration or solemnity lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath:

The word "County" shall include any ward or other like division of a county:

The word "Sheriff" shall include the sheriff substitute:

The word "Justice" shall mean Justice of the Peace acting for the county, city, or place where the matter requiring the cognizance of any such Justice shall arise, and who shall not be interested in the matter; and where such matter shall arise in respect of lands being the property of one and the same party, situate not wholly in any one county, city, or place, shall mean a Justice acting for the county, city, or place where any part of such lands shall be situate, and who shall not be interested in such matter; and where any matter shall be authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two or more Justices assembled and acting together:

Where under the provisions of this or the special Act any notice shall be required to be given to the owner of any lands, or where any act shall be authorized or required to be done with the consent of any such owner, the word "Owner" shall be understood to mean any person or corporation who, under the provisions of this or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company.

The expression "the Bank" shall mean any one of the incorporated or chartered banks in Scotland.

The expression "the Company" shall mean the company or party which shall be authorized by the special Act to construct the railway:

The expression "the Railway" shall mean the railway and works by the special Act authorized to be constructed:

The expression "the Board of Trade" shall mean the Lords of the Committee of her Majesty's Privy Council appointed for Trade and Foreign Plantations.

IV. That in citing this Act in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression 'The Railways Clauses Consolidation (Scotland) Act, 1845.'

And after reciting that it may be convenient, in some cases, to incorporate with Acts hereafter to be passed some portion only of the provisions of this Act:—

## It is Enacted,

V. That for the purpose of making any such incorporation, it shall be sufficient in any such Act to enact that the clauses of this Act with respect to the matter so proposed to be incorporated (describing such matter as it is described in this Act, and the words introductory to the enactment with respect to such matter), shall be incorporated with such Act, and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be

expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

VI. And with respect to the construction of the railway and the works connected therewith,—it is enacted as follows: In exercising the power given to the company by the special Act to construct the railway, and to take lands for that purpose, the company shall be subject to the provisions and restrictions contained in this Act and in the said Lands Clauses Consolidation (Scotland) Act; and the company shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of the railway, or injuriously affected by the construction thereof, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other parties, by reason of the exercise, as regards such lands, of the powers by this or the special Act, or any Act incorporated therewith, vested in the company; and, except where otherwise provided by this or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by the said Lands Clauses Consolidation Act for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the said last-mentioned Act shall be applicable to determining the amount of any such compensation, and to enforcing the payment or other satisfaction thereof.

VII. If any omission, mis-statement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described on the plans or books of reference mentioned in the special Act, or in the Schedule to the special Act, it shall be lawful for the company, after giving ten days' notice to the owners of the lands affected by such proposed correction, to apply to the sheriff for the correction thereof; and if it shall appear to such sheriff that such omission, mis-statement, or erroneous description arose from mistake, he shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described; and such certificate shall be deposited in the office of the principal sheriff clerk in every county in which the lands affected thereby shall be situate, and shall also be deposited with the schoolmasters of the several parishes (or, in royal burghs, with the town clerk,) in which the lands affected thereby shall be situate; and such certificate shall be kept by such sheriff clerks, schoolmasters, and other persons respectively along with the other documents to which they relate; and thereupon such plan, book of reference, or schedule shall be deemed to be corrected according to such certificate; and it shall be lawful for the company to make the works in accordance with such certificate.

VIII. It shall not be lawful for the company to proceed in the execution of the railway unless they shall have previously to the commencement of such work deposited in the office of the principal sheriff clerk in every county in or through which the railway is intended to pass a plan and section of all such alterations from the original plan and section as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and section of the railway, and shall also have deposited with the schoolmasters of the several parishes (or, in royal burghs, with the town clerk) in or through which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes respectively.

IX. The said sheriff clerks, schoolmasters, and town clerks shall receive the said plans and sections of alterations, and copies and extracts thereof respectively, and shall retain the same, as well as the said original plans and sections, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of the original plans and sections by an act, 7 Will. 4. & 1 Vict. c. 83, intitled, 'An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Order of either House of Parliament.'

X. True copies of the said plans and books of reference, or of any alteration or correction thereof, or extract therefrom certified by any such sheriff clerk in Scotland, which certificate such sheriff clerk shall give to all parties interested, when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

XI. In making the railway it shall not be lawful for the company to deviate from the levels of the railway, as referred to the common datum line described in the section approved of by Parliament, and as marked on the same, to any extent exceeding in any place five feet, or, in passing through a town, village, street, or land continuously built upon, two feet, without the previous consent in writing of the owners and occupiers of the land in which such deviation is intended to be made; or in case any street or public highway shall be affected by such deviation, then the same shall not be made without the consent of the trustees or commissioners having the controul of such street or public highway, or, if there be no such trustees or commissioners, without the consent of the sheriff, or without the consent of the trustees or commissioners for any public sewers, or the proprietors of any canal, navigation, gas works, or waterworks affected by such deviation: Provided always, that it shall be lawful for the company to deviate from the said levels to a further extent without such consent as aforesaid, by lowering solid embankments or viaducts, provided that the requisite height of headway as prescribed by Act of Parliament be left for roads, streets, or canals passing under the same: Provided also, that notice of every application to the sheriff for the purpose of considering the matter shall, fourteen days previous to such application, be given in some newspaper circulating in the county, and also be affixed upon the door of the parish church in which such deviation or alteration is intended to be made, or, if there be no church, some other place to which notices are usually affixed.

XII. Before it shall be lawful for the company to make any greater deviation from the level than five feet, or, in any town, village, street, or land continuously built upon, two feet, after having obtained such consent as aforesaid, it shall be incumbent on the company to give notice of such intended deviation by public advertisement, inserted once at least in two newspapers, or twice at least in one newspaper, circulating in the district or neighbourhood where such deviation is intended to be made, three weeks at least before commencing to make such deviation; and it shall be lawful for the owner of any lands prejudicially affected thereby, at any time before the commencement of the making of such deviation, to apply to the Board of Trade, after giving ten days' notice to the company, to decide whether, having regard to the interests of such applicants, such proposed

deviation is proper to be made; and it shall be lawful for the Board of Trade, if they think fit, to decide such question accordingly, and by their certificate in writing either to disallow the making of such deviation or to authorize the making thereof, either simply or with any such modification as shall seem proper to the Board of Trade; and after any such certificate shall have been given by the Board of Trade it shall not be lawful for the company to make such deviation, except in conformity with such certificate.

xiii. Where in any place it is intended to carry the railway on an arch or arches or other viaduct, as marked on the said plan or section, the same shall be made accordingly; and where a tunnel is marked on the said plan or section as intended to be made at any place, the same shall be made accordingly, unless the owners, lessees, and occupiers of the land in which such tunnel is intended to be made shall consent that the same shall not be so made.

xiv. It shall not be lawful for the company to deviate from or alter the gradients, curves, tunnels, or other engineering works described in the said plan or section, except within the following limits, and under the following conditions; (that is to say,)

Subject to the above provisions in regard to altering levels, it shall be lawful for the company to diminish the inclination or gradients of the railway to any extent, and to increase the said inclination or gradients as follows; (that is to say,) in gradients of an inclination not exceeding one in a hundred, to any extent not exceeding ten feet per mile, or to any further extent which shall be certified by the Board of Trade to be consistent with the public safety, and not prejudicial to the public interest; and in gradients exceeding the inclination of one in a hundred, to any extent not exceeding three feet per mile, or to any further extent which shall be so certified by the Board of Trade as aforesaid:

It shall be lawful for the company to diminish the radius of any curve described in the said plan to any extent which shall leave a radius of not less than half a mile, or to any further extent authorized by such certificate as aforesaid from the Board of Trade:

It shall be lawful for the company to make a tunnel, not marked on the said plan or section, instead of a cutting, or a viaduct instead of a solid embankment, if authorized by such certificate as aforesaid from the Board of Trade.

xv. It shall be lawful for the company to deviate from the line delineated on the plans so deposited, provided that no such deviation shall extend to a greater distance than the limits of deviation delineated upon the said plans, nor to a greater extent in passing through a town, than ten yards, or elsewhere to a greater extent than one hundred yards from the said line, and that the railway by means of such deviation be not made to extend into the lands of any person, whether owner, lessee, or occupier, whose name is not mentioned in the books of reference, without the previous consent in writing of such person, unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake shall have been certified in manner herein or in the special Act provided for in cases of unintentional errors in the said book of reference.

xvi. Subject to the provisions and restrictions in this and the special Act, and any Act incorporated therewith, it shall be lawful for the company, for the purpose of constructing the railway, or the accommodation works connected therewith, herein-after mentioned, to execute any of the following works; (that is to say,)

They may make or construct in, upon, across, under, or over any lands, or any streets, hills, valleys, roads, railroads, or tramroads, rivers, canals, brooks, streams, or other waters, within the lands described in the said plans, or mentioned in the said books of reference or any correction thereof, such temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings, and fences as they think proper;

They may alter the course of any rivers not navigable, canals, brooks, streams, or watercourses, and of any branches of navigable rivers, such branches not being themselves navigable, within such lands, for the purpose of constructing and maintaining tunnels, bridges, passages, or other works over or under the same, and divert or alter, as well temporarily as permanently, the course of any such rivers or streams of water, roads, streets, or ways, or raise or sink the level of any such rivers or streams, roads, streets, or ways, in order the more conveniently to carry the same over or under or by the side of the railway, as they may think proper;

They may make drains or conduits into, through, or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

They may erect and construct such houses, warehouses, offices, and other buildings, yards, stations, wharfs, engines, machinery, apparatus, and other works and conveniences as they think proper;

They may from time to time alter, repair, or discontinue the before-mentioned works or any of them, and substitute others in their stead; and

They may do all other acts necessary for making, maintaining, altering, or repairing, and using the railway:

Provided always, that in the exercise of the powers by this or the special Act granted the company shall do as little damage as can be, and shall make full satisfaction in manner herein and in the special Act, and any Act incorporated therewith, provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers.

xvii. It shall not be lawful for the company to construct on the shore of the sea, or of any creek, bay, arm of the sea or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, any work, or to construct any railway or bridge across any creek, bay, arm of the sea, or navigable river, where and so far up the same as the tide flows and reflows, without the previous consent of Her Majesty, her heirs and successors, to be signified in writing under the hands of two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral aforesaid for the time being, to be signified in writing under the hand of the secretary of the Admiralty, and then only according to such plan and under such restrictions and regulations as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Lord High Admiral, or the said Commissioners, may approve of, such approval being signified as last aforesaid; and where any such work, railway, or bridge shall have been constructed it shall not be lawful for the company at any time to alter or extend the same without obtaining, previously to



making any such alteration or extension, the like consents or approvals; and if any such work, railway, or bridge shall be commenced or completed contrary to the provisions of this Act, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said Lord High Admiral, or the said Commissioners for executing the office of Lord High Admiral, to abate and remove the same, and to restore the site thereof to its former condition, at the costs and charge of the company; and the amount thereof may be recovered in the same manner as a penalty is recoverable against the company.

**XXVIII.** It shall be lawful for the company, for the purpose of constructing the railway, to raise, sink, or otherwise alter the position of any of the watercourses, water pipes, or gas pipes belonging to any of the houses adjoining or near to the railway, and also the mains and other pipes laid down by any company or society who may furnish the inhabitants of such houses or places with water or gas, and also to remove all other obstructions to such construction, so as the same respectively be done with as little detriment and inconvenience to such company, society, or inhabitants as the circumstances will admit, and be done under the superintendence of the company to which such water pipes or gas pipes belong, and of the several commissioners or trustees, or persons having controul of the pavements, sewers, roads, streets, highways, lanes, and other public passages and places within the parish or district where such mains, pipes, or obstructions shall be situate, or of their surveyor, if they or he think fit to attend, after receiving not less than forty-eight hours' notice for that purpose.

**XIX.** Provided, That it shall not be lawful for the company to remove or displace any of the mains or pipes (other than private service pipes), syphons, plugs or other works belonging to any such company or society, or to do anything to impede the passage of water or gas into or through such mains or pipes, until good and sufficient mains or pipes, syphons, plugs, and all other works necessary or proper for continuing the supply of water or gas as sufficiently as the same was supplied by the mains or pipes proposed to be removed or displaced, shall, at the expense of the company, have been first made and laid down in lieu thereof, and be ready for use, in a position as little varying from that of the pipes or mains proposed to be removed or displaced as may be consistent with the construction of the railway, and to the satisfaction of the surveyor or engineer of such water or gas company or society, or, in case of disagreement between such surveyor or engineer and the company, as a Justice shall direct.

**XX.** It shall not be lawful for the company to lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas company or society, or to cause any road to be lowered for the purposes of the railway, without leaving a covering of not less than eighteen inches from the surface of the road over such mains or pipes.

**XXI.** The company shall make good all damage done to the property of the water or gas company or society, by the disturbance thereof, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with the mains, pipes, or works of such water or gas company or society, or with the private service pipes of any person supplied by them with water.

**XXII.** If it shall be necessary to construct the railway or any of the works over any mains or pipes of any such water or gas company or society, the company shall, at their own expense, construct and maintain a good and sufficient culvert over such main or pipe, so as to leave the same accessible for the purpose of repairs.

**XXIII.** If by any such operations as aforesaid the company shall interrupt the supply of water or gas they shall forfeit 20*l.* for every day that such supply shall be so interrupted, and such penalty shall be appropriated to the benefit of the poor of the parish in which such obstruction shall occur, in such manner as the minister and kirk-session of the parish shall direct.

**XXIV.** If any person wilfully obstruct any person acting under the authority of the company in the lawful exercise of their power, in setting out the line of the railway, or pull up or remove any poles or stakes driven into the ground for the purpose of so setting out the line of the railway, or deface or destroy any marks made for the same purpose, he shall forfeit a sum not exceeding 5*l.* for every such offence.

**XXV.** And with respect to the temporary occupation of lands near the railway during the construction thereof,—it is enacted as follows: Subject to the provisions herein and in the special Act contained, it shall be lawful for the company, at any time before the expiration of the period by the special Act limited for the completion of the railway, to enter upon and use any existing private road, being a road gravelled or formed with stones or other hard materials, and not being an avenue or a planted or ornamental road, or an approach to any mansion house, within the prescribed limits, if any, or, if no limits be prescribed, not being more than five hundred yards distant from the centre of the railway as delineated on the plans; but before the company shall enter upon or use any such existing road they shall give three weeks' notice of their intention to the owners and occupiers of such road, and of the lands over which the same shall pass, and shall in such notice state the time during which, and the purposes for which, they intend to occupy such road, and shall pay to the owners and occupiers of such road, and of the lands through which the same shall pass, such compensation for the use and occupation of such road, either in a gross sum of money or by half-yearly instalments, as shall be agreed upon between such owners and occupiers respectively and the company, or in case they differ about the compensation the same shall be settled by the sheriff in the same manner as any compensation not exceeding 50*l.* is directed to be settled by the Lands Clauses Consolidation (Scotland) Act, 1845.

**XXVI.** It shall be lawful for the owners and occupiers of any such road, and of the lands over which the same passes, within ten days after the service of the aforesaid notice, by notice in writing to the company to object to the company making use of such road, on the ground that other roads, such as the company are hereinbefore authorized to use for the purposes aforesaid, or that some public road, would be more fitting to be used for the same; and upon the objection being so made such proceedings may be had as are hereinafter mentioned with respect to lands temporarily occupied by the company, in respect of which three weeks' notice is hereinafter required to be given, and in the same manner as if in the provisions relative to such proceedings the word road or roads, or the words road and the land over which the same passes, as the case may require, had been substituted in such provisions for the word lands.

XXVII. Subject to the provisions herein and in the special Act contained, it shall be lawful for the company, at any time before the expiration of the period by the special Act limited for the completion of the railway, without making any previous payment, tender, or deposit, to enter upon any lands within the prescribed limits, or, if no limits be prescribed, not being more than two hundred yards distant from the centre of the railway as delineated on the plans, and not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the mansion house of the owner of any such lands than the prescribed distance, or if no distance be prescribed, then not nearer than five hundred yards therefrom, and to occupy the said lands so long as may be necessary for the construction or repair of that portion of the railway, or of the accommodation works connected therewith, hereinafter mentioned, and to use the same for any of the following purposes; (that is to say,)

For the purpose of taking earth or soil by side cuttings therefrom;

For the purpose of depositing spoil thereon;

For the purpose of obtaining materials therefrom for the construction or repair of the railway or such accommodation works as aforesaid; or

For the purpose of forming roads thereon to or from or by the side of the railway:

And in exercise of the powers aforesaid it shall be lawful for the company to deposit and also to manufacture and work upon such lands materials of every kind used in constructing the railway, and also to dig and take from out of any such lands any clay, stone, gravel, sand, or other things that may be found therein useful or proper for constructing the railway or any such roads as aforesaid, and for the purposes aforesaid to erect thereon workshops, sheds, and other buildings of a temporary nature: Provided always, that nothing in this Act contained shall exempt the company from an action for nuisance or other injury, if any done, in the exercise of the powers hereinbefore given, to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid: Provided always, that no stone or slate quarry, brick field, or other like place, which at the time of the passing of the special Act shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken or used by the company, either wholly or in part, for any of the purposes lastly hereinbefore mentioned.

XXVIII. In case any such lands shall be required for spoil banks or for side cuttings, or for obtaining materials for the construction or repairing of the railway, the company shall before entering thereon (except in the case of accident to the railway requiring immediate reparation) give three weeks' notice in writing to the owners and occupiers of such lands of their intention to enter upon the same for such purposes; and in case the said lands are required for any of the other purposes hereinbefore mentioned the company shall (except in the cases aforesaid) give ten days' like notice thereof, and the company shall in such notices respectively state the substance of the provisions hereinafter contained respecting the right of such owner or occupier to require the company to purchase any such lands, or to receive compensation for the temporary occupation thereof, as the case may be.

XXIX. The said notice shall either be served personally on such owners and occupiers, or left at their last usual place of abode, if any such can, after diligent inquiry, be found, and in case any such owner shall be absent from the United Kingdom, or cannot be found after diligent inquiry, such notice shall be served on the factor or agent (if any) of such owner, and shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

XXX. In any case in which a notice of three weeks is hereinbefore required to be given it shall be lawful for the owner or occupier of the lands therein referred to, within ten days after the service of such notice, by notice in writing to the company to object to the company making use of such lands, either on the ground that the lands proposed to be taken for the purposes aforesaid, or some part thereof, or of the materials contained therein, are essential to be retained by such owner, in order to the beneficial enjoyment of other neighbouring lands belonging to him, or on the ground that other lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such purposes by the company; and upon objection being so made such proceedings may be had as hereinafter mentioned; and if in such case the company shall refuse to occupy such other lands in lieu of those mentioned in the notice, it shall be lawful for the sheriff, on the application of such owner or occupier, to summon the company and the owners and occupiers of such other lands to appear before him at a time and place to be named in such summons, such time not being more than fourteen days after such application nor less than seven days from the service of such summons; and on the appearance of the parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such sheriff to determine summarily which of the said lands shall be used by the company for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

XXXI. If in the case last mentioned it shall appear to such sheriff, upon the inquiry before him, that the lands of any other party not summoned before them, being sufficient in quantity, and such as the company are hereinbefore authorized to take or use for the purposes aforesaid, would be more fitting to be used by the company than the lands of the person who shall have been so summoned as aforesaid, it shall be lawful for the said sheriff to adjourn such inquiry, and to summon such other person to appear before him at any time, not being more than fourteen days from such inquiry, nor less than seven days from the service of such summons; and on the appearance of the parties, or, in the absence of any of them, on proof of due service of the summons, it shall be lawful for such sheriff to determine finally which lands shall be used for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

XXXII. Before entering, under the provisions hereinbefore contained, upon any such lands as shall be required for spoil banks or for side cuttings, or for obtaining materials or forming roads as aforesaid, the company shall, if required by the owner or occupier thereof, seven days at least before the expiration of the notice to take such lands as hereinbefore mentioned, find two sufficient persons, to be approved of by the sheriff, in case the parties differ, who shall enter into a bond to such owner or occupier in a sum to such amount as shall be approved of by the sheriff, in case the parties differ, for the payment of such compensation as may become payable in respect of the same in manner herein mentioned.

**XXXIII.** Before the company shall use any such lands for any of the purposes aforesaid they shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be required by the said owner or occupier for the convenient occupation of such lands, and shall also, to all private roads used by them as aforesaid, put up fences and gates in like manner, in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads, and in case of any difference between the owners or occupiers of such roads and lands and the company as to the necessity for such fences and gates, such fences and gates as any two Justices shall deem necessary for the purposes aforesaid, on application being made to them in like manner as hereinbefore is provided in respect to the use of such road.

**XXXIV.** That if any land shall be taken or used by the company, under the provisions of this or the special Act, for the purpose of getting materials therefrom for the construction or repair of the railway, or the accommodation works connected therewith, they shall work the same in such manner as the surveyor or agent of the owner of such land shall direct, or, in case of disagreement between such surveyor or agent and the company, in such manner as any Justice shall direct, on the application of either party, after notice of the hearing of the application shall have been given to the other party.

**XXXV.** In all cases in which the company shall in exercise of the powers aforesaid enter upon any lands for the purpose of making spoil banks or side cuttings thereon, or for obtaining therefrom materials for the construction or repair of the railway, it shall be lawful for the owners or occupiers of such lands, or parties having such interests therein as, under the provisions in the said Lands Clauses Consolidation Act mentioned, are capable of being by them sold or conveyed to the company, at any time during the possession of any such lands by the company, and before such owners or occupiers shall have accepted compensation from the company in respect of such temporary occupation, to serve a notice in writing on the company requiring them to purchase the said lands, or interests therein capable of being sold and conveyed by them respectively; and in such notice such owners or occupiers shall set forth the particulars of such their interest in such lands, and the amount of their claim in respect thereof; and the company shall thereupon be bound to purchase the said lands, or the interest therein capable of being sold and conveyed by the parties serving such notice.

**XXXVI.** In any of the cases aforesaid, where the company shall not be required to purchase such lands, and in all other cases where they shall take temporary possession of lands by virtue of the powers herein or in the special Act granted, it shall be incumbent on the company, within one month after their entry upon such lands, upon being required so to do, to pay to the occupier of the said lands the value of any crop or dressing that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of their so taking possession of his lands, and shall also from time to time during their occupation of the said lands pay half-yearly to such occupier or to the owner of the lands, as the case may require, a rent to be fixed by the sheriff, in case the parties differ, and shall also within six months after they shall have ceased to occupy the said lands, and not later than six months after the expiration of the time by the special Act limited for the completion of the railway, pay to such owner and occupier, or deposit in the Bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage or injury that may have been sustained by them by reason of the exercise, as regards the said lands, of the powers herein or in the special Act granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

**XXXVII.** The amount and application of the purchase-money and other compensation payable by the company in any of the cases aforesaid shall be determined in the manner provided by the said Lands Clauses Consolidation Act for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

**XXXVIII.** That it shall be lawful for the company, in addition to the lands authorized to be compulsorily taken by them under the powers of this or the special Act, to contract with any party willing to sell the same for the purchase of any land adjoining or near to the railway, or to any other railway communicating therewith, and on which the traffic thereupon may pass, and in any town or city adjoining to or near such railways, not exceeding in the whole the prescribed number of acres for extraordinary purposes; (that is to say,)

For the purpose of making and providing additional stations, yards, wharfs, and places for the accommodation of passengers, and for receiving, depositing, and loading or unloading goods or cattle to be conveyed upon the railway, and for the erection of weighing machines, toll houses, offices, warehouses, and other buildings and conveniences:

For the purpose of making convenient roads or ways to the railway, or any other purpose which may be requisite or convenient for the formation or use of the railway.

**XXXIX.** And with respect to the crossing of roads, or other interference therewith,—it is enacted as follows: If the line of the railway cross any turnpike road or public highway, then (except where otherwise provided by the special Act) either such road shall be carried over the railway, or the railway shall be carried over such road, by means of a bridge, of the height and width and with the ascent or descent by this or the special Act in that behalf provided; and such bridge, with the immediate approaches, and all other necessary works connected therewith, shall be executed and at all times thereafter maintained at the expense of the company: Provided always, that, with the consent of the sheriff, or two or more Justices, as after mentioned, it shall be lawful for the company to carry the railway across any highway, other than a public carriage road, on the level.

**XL.** If the railway cross any turnpike road or public carriage road on a level, the company shall erect and at all times maintain good and sufficient gates across such road, on each side of the railway where the same shall communicate therewith, and shall employ proper persons to open and shut such gates; and such gates shall be kept constantly closed across such road on both sides of the railway, except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross such railway; and such gates shall be of such dimensions and so constructed as when closed to fence in the railway, and prevent cattle or horses passing along the road from entering upon the railway; and the person intrusted with the care of such gates shall cause the same to be closed as soon as such horses, cattle, carts, or carriages shall have passed through the same, under a penalty of 40s. for every default therein: Provided always, that it shall be lawful for the Board of Trade, in any case in which they are satisfied that it will be more conducive to the public safety that the gates on any level

crossing over any such road should be kept closed across the railway, to order that such gates shall be kept so closed, instead of across the road, and in such case such gates shall be kept constantly closed across the railway, except when engines or carriages passing along the railway shall have occasion to cross such road, in the same manner and under the like penalty as above directed with respect to the gates being kept closed across the road.

XL. Where the railway crosses any turnpike road on a level adjoining to a station, all trains on the railway shall be made to slacken their speed before arriving at such turnpike road, and shall not cross the same at any greater rate of speed than four miles an hour; and the company shall be subject to all such rules and regulations with regard to such crossings as may from time to time be made by the Board of Trade.

XLII. Every bridge to be erected for the purpose of carrying the railway over any road (except where otherwise provided by the special Act) shall be built in conformity with the following regulations; (that is to say,)

The width of the arch shall be such as to leave thereunder a clear space of not less than thirty-five feet if the arch be over a turnpike road, and of twenty-five feet if over a public carriage road, and of twelve feet if over a private road:

The clear height of the arch from the surface of the road shall be not less than sixteen feet for a space of twelve feet if the arch be over a turnpike road, and fifteen feet for a space of ten feet if over a public carriage road; and in each of such cases the clear height at the springing of the arch shall not be less than twelve feet:

The clear height of the arch for a space of nine feet shall not be less than fourteen feet over a private carriage road:

The descent made in the road in order to carry the same under the bridge shall not be more than one foot in thirty feet if the bridge be over a turnpike road, one foot in twenty feet if over a public carriage road, and one foot in sixteen feet if over a private carriage road, not being a tramroad or railroad, or if the same be a tramroad or railroad the descent shall not be greater than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

XLIII. Every bridge erected for carrying any road over the railway shall (except as otherwise provided by the special Act) be built in conformity with the following regulations; (that is to say,)

There shall be a good and sufficient fence on each side of the bridge of not less height than four feet, and on each side of the immediate approaches of such bridge of not less than three feet:

The road over the bridge shall have a clear space between the fences thereof of thirty-five feet if the road be a turnpike road, and twenty-five feet if a public carriage road, and twelve feet if a private road:

The ascent shall not be more than one foot in thirty feet if the road be a turnpike road, one foot in twenty feet if a public carriage road, and one foot in sixteen feet if a private carriage road, not being a tramroad or railroad, or if the same be a tramroad or railroad the ascent shall not be greater than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

XLIV. Provided always, That in all cases where the average available width for the passage of carriages of any existing roads within fifty yards of the points of crossing the same is less than the width hereinbefore prescribed for bridges over or under the railway, the width of such bridges need not be greater than such average available width of such roads, but so nevertheless that such bridges be not of less width, in the case of a turnpike road or public carriage road, than twenty feet: Provided also, that if at any time after the construction of the railway the average available width of any such road shall be increased beyond the width of such bridge on either side thereof, the company shall be bound, at their own expense, to increase the width of the said bridge to such extent as they may be required by the trustees or surveyors of such road, not exceeding the width of such road as so widened, or the maximum width herein or in the special Act prescribed for a bridge in the like case over or under the railway.

XLV. Provided, that if the mesne inclination of any road within two hundred and fifty yards of the point of crossing the same, or the inclination of such portion of any road as may require to be altered, or for which another road shall be substituted, shall be steeper than the inclination hereinbefore required to be preserved by the company, then the company may carry any such road over or under the railway, or may construct such altered or substituted road at an inclination not steeper than the said mesne inclination of the road so to be crossed, or of the road so requiring to be altered, or for which another road shall be substituted.

XLVI. If, in the exercise of the powers by this or the special Act granted, it be found necessary to cross, cut through, raise, sink, or use any part of any road, whether carriage road, horse road, tramroad, or railway, either public or private, so as to render it impassable for or dangerous to passengers or carriages, or to the persons entitled to the use thereof, the company shall, before the commencement of any such operations, cause a sufficient road to be made instead of the road to be interfered with, and shall at their own expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

XLVII. If the company do not cause another sufficient road to be so made before they interfere with any such existing road as aforesaid, they shall forfeit 20*l.* for every day during which such substituted road shall not be made after the existing road shall have been interrupted; and such penalty shall be paid to the trustees, commissioners, surveyor, or other person having the management of such road, if a public road, and shall be applied for the purposes thereof, or in case of a private road the same shall be paid to the owner thereof; and every such penalty shall be recoverable, with costs, by action in any competent court.

XLVIII. If any party entitled to a right of way over any road so interfered with by the company shall suffer any special damage by reason that the company shall fail to cause another sufficient road to be made before they interfere with the existing road, it shall be lawful for such party to recover the amount of such special damage from the company, with expenses, by action in the Court of Session, if the damage claimed exceeds 25*l.*, or in the sheriff court, if the damage claimed does not exceed 25*l.*, and that whether any party shall have sued for such penalty as aforesaid or not, and without prejudice to the right of any party to sue for the same.

XLIX. If the road so interfered with can be restored compatibly with the formation and use of the railway, the same shall be restored to as good a condition as the same was in at the time when the same was first interfered with by the company, or as near thereto as may be; and if such road cannot be restored compatibly with the formation and use of the railway, the company shall cause the new or substituted road, or some other sufficient substituted road, to be put into a permanently substantial condition, equally convenient as the former road, or as near thereto as circumstances will allow; and the former road shall be restored, or the substituted road put into such condition as aforesaid, as the case may be, within the following periods after the first operation on the former road shall have been commenced, unless the trustees or parties having the management of the road to be restored by writing under their hands consent to an extension of the period, and in such case within such extended period; (that is to say,) if the road be a turnpike road, within six months, and if the road be not a turnpike road, within twelve months.

L. If any such road be not so restored, or the substituted road so completed as aforesaid, within the periods herein or in the special Act fixed for that purpose, the company shall forfeit to the trustees, commissioners, surveyor, or other person having the management of the road interfered with by the company, if a public road, or if a private road to the owner thereof, 20*l.* for every day after the expiration of such periods respectively during which such road shall not be so restored or the substituted road completed; and it shall be lawful for the sheriff or Justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

LI. If in the course of making the railway the company shall use or interfere with any road they shall from time to time make good all damage done by them to such road; and if any question shall arise as to the damage done to any such road by the company, or as to the repair thereof by them, the same shall be determined by the sheriff or two Justices; and such sheriff or Justices may direct such repairs to be made in the state of such road, in respect of the damage done by the company, and within such period as they think reasonable, and may impose on the company, for not carrying into effect such repairs, any penalty not exceeding 5*l.* per day as to such sheriff or Justices shall seem just; and such penalty shall be paid to the surveyor or other person having the management of the road interfered with by the company, if a public road, and be applied for the purposes of such road, or if a private road the same shall be paid to the owner thereof: Provided always, that in determining any such question with regard to a turnpike road the said sheriff or Justices shall have regard to and make full allowance for any tolls that may have been paid by the company on such road in the course of the using thereof.

LII. If the railway shall cross any highway other than a public carriageway on the level, the company shall at their own expense make and at all times maintain convenient ascents and descents and other convenient approaches, with handrails and other fences, and shall, if such highway be a bridleway, erect and at all times maintain good and sufficient gates, and if the same shall be a footway, good and sufficient gates or stiles on each side of the railway where the highway shall communicate therewith.

LIII. When the company shall intend to apply for the consent of the sheriff or two Justices, as hereinbefore provided, so as to authorize them to carry the railway across any highway other than a public carriage road on the level, they shall, fourteen days at least previous to the time at which such application is intended to be made, cause notice of such intended application to be given in some newspaper circulating in the county, and also to be affixed upon the door of the parish church of the parish in which such crossing is intended to be made, or if there be no such church some other place to which notices are usually affixed; and if it appear to the sheriff, or to any two or more Justices acting for the district in which such highway at the proper crossing thereof is situate, after such notice as aforesaid, that the railway can, consistently with a due regard to the public safety and convenience, be carried across such highway in the level, it shall be lawful for such sheriff or Justices to consent that the same may be so carried accordingly.

LIV. If, when the railway shall cross any highway on the level, the company fail to make convenient ascents and descents or other convenient approaches, and such handrails, fences, gates, and stiles as they are hereinbefore required to make, it shall be lawful for the sheriff or two Justices, on the application of the surveyor of roads, or of any two householders within the parish or district where such crossing shall be situate, after not less than ten days' notice to the company, to order the company to make such ascent and descent or other approach, or such handrails, fences, gates, or stiles as aforesaid, within a period to be limited for that purpose by such sheriff or Justices; and if the company fail to comply with such order they shall forfeit 5*l.* for every day that they fail so to do; and it shall be lawful for the sheriff or Justices by whom any such penalty is imposed to order the whole or any part thereof to be applied in such manner and by such person as they think fit, in executing the work in respect whereof such penalty was incurred.

LV. If the commissioners or trustees of any turnpike road, or the surveyor of any highway, apprehend danger to the passengers on such road in consequence of horses being frightened by the sight of the engines or carriages travelling upon the railway, it shall be lawful for such commissioners, or trustees, or surveyor, after giving fourteen days' notice to the company to apply to the Board of Trade with respect thereto; and if it shall appear to the said Board that such danger might be obviated or lessened by the construction of any works in the nature of a screen near to or adjoining the side of such road, it shall be lawful for them, if they shall think fit, to certify the works necessary or proper to be executed by the company for the purpose of obviating or lessening such danger, and by such certificate to require the company to execute such works within a certain time after the service of such certificate, to be appointed by the said Board.

LVI. Where by any such certificate as aforesaid the company shall have been required to execute any such work in the nature of a screen, they shall execute and complete the same within the period appointed for that purpose in such certificate and if they fail so to do they shall forfeit to the commissioners, or trustees, or surveyor, 5*l.* for every day during which such works shall remain uncompleted beyond the period so appointed for their completion; and it shall be lawful for the Justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

LVII. Where, under the provisions of this or the special Act, or any Act incorporated therewith, the company are required to maintain or keep in repair any bridge, fence, approach, gate, or other work executed by them, it shall be lawful for the sheriff or two Justices, on the application of the surveyor of roads, or of any two householders of the parish or district where such work may be situate, complaining that any such work is out of repair, after not less than ten days' notice to the company, to order the company to put such work into complete repair within a period to be limited for that purpose by such sheriff or Justices; and if the company fail to comply with such order they shall forfeit 5*l.* for every day that they fail so to do; and it shall be lawful for the sheriff or Justices by whom any such penalty is imposed to order the whole or any part thereof to be applied, in such manner and by such persons as they think fit, in putting such work into repair.

And after reciting that expense might frequently be avoided, and public convenience promoted, by a reference to the Board of Trade upon the construction of public works of an engineering nature connected with the railway, where a strict compliance with the provisions of this or the special Act might be impossible, or attended with inconvenience to the company and without adequate advantage to the public;—

It is Enacted,

LVIII. That in case any difference in regard to the construction, alteration, or restoration of any road or bridge, or other public work of an engineering nature, required by the provisions of this or the special Act, shall arise between the company and any trustees, commissioners, surveyors, or other persons having the controul of or being authorized by law to enforce the construction of such road, bridge, or work, it shall be lawful for either party, after giving fourteen days' notice in writing of their intention so to do to the other party, to apply to the Board of Trade to decide upon the proper manner of constructing, altering, or restoring such road, bridge, or other work; and it shall be lawful for the Board of Trade, if they shall think fit, to decide the same accordingly, and to authorize, by certificate in writing, any arrangement or mode of construction in regard to any such road, bridge, or other work which shall appear to them either to be in substantial compliance with the provisions of this and the special Act, or to be calculated to afford equal or greater accommodation to the public using such road, bridge, or other work; and after any such certificate shall have been given by the Board of Trade, the road, bridge, or other work therein mentioned shall be constructed by the company in conformity with the terms of such certificate, and being so constructed shall be deemed to be constructed in conformity with the provisions of this and the special Act: Provided always, that no such certificate shall be granted by the Board of Trade unless they shall be satisfied that existing private rights or interests will not be injuriously affected thereby.

LIX. That all regulations, certificates, notices, and other documents in writing purporting to be made or issued by or by the authority of the Board of Trade, and signed by some officer appointed for that purpose by the Board of Trade, shall, for the purposes of this and the special Act, and any Act incorporated therewith, be deemed to have been so made and issued, and that without proof of the authority of the person signing the same, or of the signature thereto, which matters shall be presumed until the contrary be proved; and service of any such document, by leaving the same at one of the principal offices of the railway company, or by sending the same by post addressed to the secretary at such office, shall be deemed good service upon the company; and all notices and other documents required by this or the special Act to be given to or laid before the Board of Trade shall be delivered at, or sent by post addressed to, the office of the Board of Trade in London.

LX. And with respect to works for the accommodation of lands adjoining the railway,—it is enacted as follows: The company shall make and at all times thereafter maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway: (that is to say,)

Such and so many convenient gates, bridges, arches, culverts, and passages over, under, or by the sides of or leading to or from the railway as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall be made; and such works shall be made forthwith after the part of the railway passing over such lands shall have been laid out or formed, or during the formation thereof:

Also sufficient posts, rails, hedges, ditches, mounds, or other fences for separating the land taken for the use of the railway from the adjoining lands not taken, and protecting such lands from trespass, or the cattle of the owners or occupiers thereof from straying thereout, by reason of the railway, together with all necessary gates made to open towards such adjoining lands, and not towards the railway, and all necessary stiles; and such posts, rails, and other fences shall be made forthwith after the taking of any such lands, if the owners thereof shall so require, and the said other works as soon as conveniently may be:

Also all necessary arches, tunnels, culverts, drains, or other passages, either over or under or by the sides of the railway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be; and such works shall be made from time to time as the railway works proceed:

Also proper watering places for cattle where by reason of the railway the cattle of any person occupying any lands lying near thereto shall be deprived of access to their former watering places; and such watering places shall be so made as to be at all times as sufficiently supplied with water as theretofore, and as if the railway had not been made, or as nearly so as may be; and the company shall make all necessary watercourses and drains for the purpose of conveying water to the said watering places:

Provided always, that the company shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the railway, and that the company may, in lieu of such accommodation works, make compensation to the owners and occupiers of the lands, for the want thereof, in such manner as may be agreed upon between the company and such owners and occupiers, nor to make any accommodation works with respect to which the owners, lessees, and occupiers of the lands shall have agreed to receive and shall have been paid compensation instead of the making of them.

LXI. If any difference arise respecting the kind or number of any such accommodation works, or the dimensions or sufficiency thereof, or respecting the maintaining thereof, the same shall be determined by the sheriff or two Justices; and

such sheriff or Justices shall also appoint the time within which such works shall be commenced and executed by the company.

LXII. If for seven days next after the time appointed by such sheriff or Justices for the commencement of any such works the company shall fail to commence such works, or having commenced shall fail to proceed diligently to execute the same in a sufficient manner, it shall be lawful for the party aggrieved by such failure himself to execute such works or repairs; and the reasonable expenses thereof shall be repaid by the company to the party by whom the same shall so have been executed; and if there be any dispute about such expenses the same shall be settled by the sheriff or two Justices: Provided always, that no such owner or occupier or other person shall obstruct or injure the railway, or any of the works connected therewith, for a longer time nor use them in any other manner than is unavoidably necessary for the execution or repair of such accommodation works.

LXIII. If any of the owners or occupiers of lands affected by such railway shall consider the accommodation works made by the company, or directed by such sheriff or Justices to be made by the company, insufficient for the commodious use of their respective lands, it shall be lawful for any such owner or occupier, at his own expense, to make such further works for that purpose as he shall think necessary, and as shall be agreed to by the company, or, in case of difference, as shall be authorized by the sheriff or two Justices.

LXIV. If the company so desire, all such last-mentioned accommodation works shall be constructed under the superintendence of their engineer, and according to plans and specifications to be submitted to and approved by such engineer; nevertheless the owners or occupiers of lands shall not be entitled to require, either that plans should be adopted which would involve a greater expense than that incurred in the execution of similar works by the company, or that the plans selected should be executed in a more expensive manner than that adopted in similar cases by the company.

LXV. The company shall not be compelled to make any further or additional accommodation works for the use of owners and occupiers of land adjoining the railway after the expiration of the prescribed period, or, if no period be prescribed, after five years from the opening of the railway for public use.

LXVI. Until the company shall have made the bridges or other proper communications which they shall under the provisions herein, or in the special Act, or any Act incorporated therewith, contained, have been required to make between lands intersected by the railway, and no longer, the owners and occupiers of such lands, and any other persons whose right of way shall be affected by the want of such communication, and their respective servants, may at all times freely pass and repass, with carriages, horses and other animals, directly (but not otherwise) across the part of the railway made in or through their respective lands, solely for the purpose of occupying the same lands, or for the exercise of such right of way, and so as not to obstruct the passage along the railway, or to damage the same; nevertheless, if the owner or occupier of any such lands have in his arrangements with the company received or agreed to receive compensation for or on account of any such communications, instead of the same being formed, such owner or occupier, or those claiming under him, shall not be entitled so to cross the railway.

LXVII. During the execution of any contract made with the company, the works in course of being done under such contract, and all the materials of every description brought upon or near such works for the purpose of being used in the execution of such contract, shall, in all proceedings instituted by them for the purpose of protecting the same, or by the public prosecutor for the purpose of punishment on account of offences committed against the same, be held to be the property of the company.

LXVIII. If any person omit to shut and fasten any gate set up at either side of the railway, for the accommodation of the owners or occupiers of the adjoining lands, as soon as he, and the carriage, cattle or other animals, under his care, have passed through the same, he shall forfeit for every such offence any sum not exceeding 40s.

LXIX. That this or the special Act shall not prevent the owners or occupiers of lands adjoining to the railway, or any other persons, from laying down, either upon their own lands or upon the lands of other persons, with the consent of such persons, any collateral branches of railway to communicate with the railway, for the purpose of bringing carriages to or from or upon the railway, but under and subject to the provisions and restrictions of an Act, 5 & 6 Vict. c. 55, intituled 'An Act for the better Regulation of Railways, and for the Conveyance of Troops;' and the company shall, if required, at the expense of such owners and occupiers and other persons, and subject also to the provisions of the said last-mentioned Act, make openings in the rails, and such additional lines of rail as may be necessary for effecting such communication, in places where the communication can be made with safety to the public, and without injury to the railway, and without inconvenience to the traffic thereon; and the company shall not take any rate or toll or other monies for the passing of any passengers, goods, or other things along any branch so to be made by any such owner or occupier or other person; but this enactment shall be subject to the following restrictions and conditions; (that is to say,)

No such branch railway shall run parallel to the railway:

The company shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose with which such communication would interfere, nor upon any inclined plane or bridge, nor in any tunnel:

The persons making or using such branch railways shall be subject to all bye-laws and regulations of the company from time to time made with respect to passing upon or crossing the railway, and otherwise; and the persons making or using such branch railways shall be bound to construct, and from time to time, as need may require, to renew, the offset plates and switches according to the most approved plan adopted by the company, and under the direction of their engineer.

LXX. And with respect to mines lying under or near the railway,—it is enacted as follows: The company shall not be entitled to any mines of coal, ironstone, slate, or other minerals, under any land purchased by them, except only such parts thereof as shall be necessary to be dug or carried away or used in the construction of the works, unless the same shall have

been expressly purchased; and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby.

LXXI. If the owner, lessee, or occupier of any mines or minerals lying under the railway, or any of the works connected therewith, or within the prescribed distance, or, where no distance shall be prescribed, forty yards, therefrom, be desirous of working the same, such owner, lessee, or occupier shall give to the company notice in writing of his intention so to do thirty days before the commencement of working; and upon the receipt of such notice it shall be lawful for the company to cause such mines to be inspected by any person appointed by them for the purpose; and if it appear to the company that the working of such mines, either wholly or partially, is likely to damage the works of the railway, and if the company be desirous that such mines or any parts thereof should be left unworked, and if they be willing to make compensation for such mines or minerals or such parts thereof as they desire to be left unworked, they shall give notice to such owner, lessee, or occupier of such their desire, and shall in such notice specify the parts of the mines under the railway or works or within the distance aforesaid which they shall desire to be left unworked, and for which they shall be willing to make compensation; and in such case such owner, lessee, or occupier shall not work or get the mines or minerals comprised in such notice; and the company shall make compensation for the same, and for all loss or damage occasioned by the non-working thereof, to the owner, lessee, and occupier thereof respectively; and if the company, and such owner, lessee, or occupier, do not agree as to the amount of such compensation, the same shall be settled as in other cases of disputed compensation.

LXXII. If before the expiration of such thirty days the company do not give notice of their desire to have such mines left unworked, and of their willingness to make such compensation as aforesaid, it shall be lawful for such owner, lessee, or occupier to work the said mines or such parts thereof for which the company shall not have agreed to pay compensation, up to the limits of the mines or minerals for which they shall have agreed to make compensation, in such manner as such owner, lessee, or occupier shall think fit, for the purpose of getting the minerals contained therein; and if any damage or obstruction be occasioned to the railway or works by the working or getting of any such minerals which the company shall so have required to be left unworked, and for which they shall so have agreed to make compensation, the same shall be forthwith repaired or removed, as the case may require, and such damage made good, by the owner, lessee, or occupier of such mines or minerals, and at his own expense; and if such repair or removal be not forthwith done, or, if the company shall so think fit, without waiting for the same to be done by such owner, lessee, or occupier, it shall be lawful for the company to execute the same, and recover from such owner, lessee, or occupier the expense occasioned thereby, by action in any competent court.

LXXIII. If the working of any such mines or minerals under the railway or works, or within the above-mentioned distance therefrom, be prevented as aforesaid by reason of apprehended injury to the railway, it shall be lawful for the respective owners, lessees, and occupiers of such mines, and whose mines shall extend so as to be on both sides of the railway, to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata, the working whereof shall be so prevented, as may be requisite to enable them to ventilate, drain, and work their said mines, but no such airway, headway, gateway, or water level shall be of greater dimensions or section than the prescribed dimensions and sections, and where no dimensions shall be prescribed not greater than eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the railway or works, or so as to injure the same, or to impede the passage thereon.

LXXIV. The company shall from time to time pay to the owner, lessee, or occupier of any such mines extending so as to be on both sides of the railway all such additional expenses and losses as shall be incurred by such owner, lessee, or occupier by reason of the severance of the lands lying over such mines by the railway, or of the continuous working of such mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and for any minerals not purchased by the company which cannot be obtained by reason of working and maintaining the railway; and if any dispute or question shall arise between the company and such owner, lessee, or occupier as aforesaid, touching the amount of such losses or expenses, the same shall be settled as in other cases of disputed compensation.

LXXV. If any loss or damage be sustained by the owner or occupier of the lands lying over any such mines the working whereof shall have been so prevented as aforesaid (and not being the owner, lessee, or occupier of such mines), by reason of the making of any such airway or other work as aforesaid, which or any like work would not have been necessary to be made for the working of such mines having been so prevented as aforesaid, the company shall make full compensation to such owner or occupier of the surface lands for the loss or damage so sustained by him.

LXXVI. For better ascertaining whether any such mines are being worked or have been worked so as to damage the railway or works, it shall be lawful for the company, after giving twenty-four hours' notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked or are supposed so to be, and to enter and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus or machinery connected with such mines belonging to the owner, lessee, or occupier of such mines, upon payment of the reasonable costs of using and working the same, and of any loss thereby occasioned to the working of the mines, or otherwise, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked or about so to be.

LXXVII. If any such owner, lessee, or occupier of any such mine shall refuse to allow any person appointed by the company that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall, for such refusal, forfeit to the company a sum not exceeding 20*l*.

LXXVIII. If it appear that any such mines have been worked contrary to the provisions of this or the special Act, the company, if they think fit, give notice to the owner, lessee, or occupier thereof to construct such supports or works as shall be necessary means as may be necessary or proper for making safe the railway, and preventing injury thereto, and if such owner, lessee, or occupier do not forthwith proceed to construct the works necessary for making safe the railway, the company may themselves construct such works, and recover the expense thereof from such owner, lessee, or occupier by action in any competent court.



**LXXIX.** And with respect to the carrying of passengers and goods upon the railway, and the tolls to be taken thereon,—it is enacted as follows: It shall be lawful for the company to use and employ locomotive engines or other moving power, and carriages and waggons to be drawn or propelled thereby, and to carry and convey upon the railway all such passengers and goods as shall be offered to them for that purpose, and to make such reasonable charges in respect thereof as they may from time to time determine upon, not exceeding the tolls by the special Act authorized to be taken by them.

**LXXX.** It shall be lawful for the company from time to time to enter into any contract with any other company, being the owners or lessees or in possession of any other railway, for the passage over or along the railway by the special Act authorized to be made of any engines, coaches, waggons, or other carriages of any other company, or which shall pass over any other line of railway, or for the passage over any other line of railway of any engines, coaches, waggons, or other carriages of the company, or which shall pass over their line of railway, upon the payment of such tolls and under such conditions and restrictions as may be mutually agreed upon; and for the purpose aforesaid it shall be lawful for the respective parties to enter into any contract for the division or apportionment of the tolls to be taken upon their respective railways.

**LXXXI.** Provided, that no such contract as aforesaid shall in any manner alter, affect, increase, or diminish any of the tolls which the respective companies, parties to such contracts, shall for the time being be respectively authorized and entitled to demand or receive from any person or any other company, but that all other persons and companies shall notwithstanding any such contract, be entitled to the use and benefit of any of the said railways, upon the same terms and conditions, and on payment of the same tolls, as they would have been in case no such contract had been entered into.

**LXXXII.** Nothing in this or the special Act contained shall extend to charge or make liable the company further or in any other case than where, according to the laws of Scotland, stage coach proprietors and common carriers would be liable, nor shall extend in any degree to deprive the company of any protection or privilege which common carriers or stage coach proprietors may be entitled to; but, on the contrary, the company shall at all times be entitled to the benefit of every such protection and privilege.

And after reciting that it is expedient that the company should be enabled to vary the tolls upon the railway so as to accommodate them to the circumstances of the traffic, but that such power of varying should not be used for the purpose of prejudicing or favouring particular parties, or for the purpose of collusively and unfairly creating a monopoly, either in the hands of the company or of particular parties;—

It is Enacted,

**LXXXIII.** That it shall be lawful, therefore, for the company, subject to the provisions and limitations herein and in the special Act contained, from time to time to alter or vary the tolls by the special Act authorized to be taken, either upon the whole or upon any particular portions of the railway, as they shall think fit; provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton per mile or otherwise, in respect of all passengers, and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine, passing only over the same portion of the line of railway under the same circumstances; and no reduction or advance in any such tolls shall be made either directly or indirectly in favour of or against any particular company or person travelling upon or using the railway.

And after reciting that authority has been given by various Acts of Parliament to railway companies to demand tolls for the conveyance of passengers and goods and for other services over the fraction of a mile equal to the toll which they are authorized to demand for one mile;—

It is Enacted,

**LXXXIV.** That in cases in which any railway shall be amalgamated with any other adjoining railway or railways, such toll shall be calculated and imposed at such rates as if such amalgamated railways had originally formed one line of railway.

**LXXXV.** It shall not be lawful for the company at any time to demand or take a greater amount of toll, or make any greater charge for the carriage of passengers or goods, than they are by this and the special Act authorized to demand; and upon payment of the tolls from time to time demandable all companies and persons shall be entitled to use the railway, with engines and carriages properly constructed as by this and the special Act directed, subject nevertheless to the provisions and restrictions of the said Act, 5 & 6 Vict. c. 55, intitled 'An Act for the better Regulation of Railways, and for the Conveyance of Troops,' and to the regulations to be from time to time made by the company by virtue of the powers in that behalf hereby and by the special Act conferred upon them.

**LXXXVI.** A list of all the tolls authorized by the special Act to be taken, and which shall be exacted by the company, shall be published by the same being painted upon one toll board or more in distinct black letters on a white ground, or in white letters on a black ground, or by the same being printed in legible characters on paper affixed to such board, and by such board being exhibited in some conspicuous place on the stations or places where such tolls shall be made payable.

**LXXXVII.** The company shall cause the length of the railway to be measured, and posts or other conspicuous objects to be set up and maintained along the whole line thereof, at the distance of one quarter of a mile from each other, with numbers or marks inscribed thereon denoting such distances.

**LXXXVIII.** No tolls shall be demanded or taken by the company for the use of the railway during any time at which the board hereinbefore directed to be exhibited shall not be so exhibited, or at which the milestones hereinbefore directed to be set up and maintained shall not be so set up and maintained; and if any person wilfully pull down, deface, or destroy any such board or milestone, he shall forfeit a sum not exceeding 5*l.* for every such offence.

**LXXXIX.** The tolls shall be paid to such persons, and at such places upon or near to the railway, and in such manner as under such regulations, as the company shall, by notice to be annexed to the lists of tolls, appoint.

xc. If, on demand, any person fail to pay the tolls due in respect of any carriage or goods, it shall be lawful for the company to detain and sell such carriage, or all or any part of such goods, or, if the same shall have been removed from the premises of the company, to detain and sell any other carriages or goods within such premises belonging to the party liable to pay such tolls, and out of the monies arising from such sale to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the overplus, if any, of the monies arising by such sale, and by such of the carriages or goods as shall remain unsold, to the person entitled thereto, or it shall be lawful for the company to recover any such tolls by action at law.

xcI. Every person being the owner or having the care of any carriage or goods passing or being upon the railway shall, on demand, give to the collector of tolls, at the places where he attends for the purpose of receiving goods or of collecting tolls for the part of the railway on which such carriage or goods may have travelled or be about to travel, an exact account in writing signed by him of the number or quantity of goods conveyed by any such carriage, and of the point on the railway from which such carriage or goods have set out or are about to set out, and at what point the same are intended to be unloaded or taken off the railway; and if the goods conveyed by any such carriage, or brought for conveyance as aforesaid, be liable to the payment of different tolls, then such owner or other person shall specify the respective numbers or quantities thereof liable to each or any of such tolls.

xcII. If any such owner or other such person fail to give such account, or to produce his way-bill or bill of lading, to such collector or other officer or servant of the company demanding the same, or if he give a false account, or if he unload or take off any part of his lading or goods at any other place than shall be mentioned in such account, with intent to avoid the payment of any tolls payable in respect thereof, he shall for every such offence forfeit to the company a sum not exceeding 10*l.* for every ton of goods, or for any parcel not exceeding one hundred weight, and so in proportion for any less quantity of goods than one ton, or for any parcel exceeding one hundred weight, (as the case may be,) which shall be upon any such carriage; and such penalty shall be in addition to the toll to which such goods may be liable.

xcIII. If any dispute arise concerning the amount of the tolls due to the company, or concerning the charges occasioned by any detention or sale thereof under the provisions herein or in the special Act contained, the same shall be settled by the sheriff or by two Justices; and it shall be lawful for the company in the meanwhile to detain the goods, or (if the case so require) the proceeds of the sale thereof.

xcIV. If any difference arise between any toll collector or other officer or servant of the company and any owner of or person having the charge of any carriage passing or being upon the railway, or of any goods conveyed or to be conveyed by such carriage, respecting the weight, quantity, quality, or nature of such goods, such collector or other officer may lawfully detain such carriage or goods, and examine, weigh, gauge, or otherwise measure the same; and if upon such measuring or examination such goods appear to be of greater weight or quantity or of other nature than shall have been stated in the account given thereof, then the person who shall have given such account shall pay, and the owner of such carriage, or the respective owners of such goods, shall also, at the option of the company, be liable to pay, the costs of such measuring and examining; but if such goods appear to be of the same or less weight or quantity than and of the same nature as shall have been stated in such account, then the company shall pay such costs, and they shall also pay to such owner of or person having charge of such carriage, and to the respective owners of such goods, such damage (if any) as shall appear to the sheriff or any two Justices, on a summary application to him or them for that purpose, to have arisen from such detention.

xcV. If at any time it be made to appear to any such sheriff or Justices, upon the complaint of the company, that any such detention, measuring, or examining of any carriage or goods, as hereinbefore mentioned, was without reasonable ground, or that it was vexatious on the part of such collector or other officer, then the collector or other officer shall himself pay the costs of such detention and measuring, and the damage occasioned thereby; and in default of immediate payment of any such costs or damage the same may be recovered by pointing and sale of the goods of such collector, and such sheriff or Justices shall issue his or their warrant accordingly.

xcVI. If any person travel or attempt to travel in any carriage of the company, or of any other company or party using the railway, without having previously paid his fare, and with intent to avoid payment thereof, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceed in any such carriage beyond such distance, without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof, or if any person knowingly and wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall for every such offence forfeit to the company a sum not exceeding 40*s.*

xcVII. If any person be discovered, either in or after committing or attempting to commit any such offence as in the preceding enactment mentioned, all officers and servants and other persons on behalf of the company, or such other company or party as aforesaid, and all constables, gaolers, and peace-officers, may lawfully apprehend and detain such person until he may conveniently be taken before the sheriff or some Justice, or until he be otherwise discharged by due course of law.

xcVIII. No person shall be entitled to carry, or to require the company to carry, upon the railway, any aquafortis, oil of vitriol, unpowder, lucifer matches, or any other goods which in the judgment of the company may be of a dangerous nature; and if any person send by the railway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are sent, at the time of so sending, he shall forfeit to the company 20*l.* for every such offence; and it shall be lawful for the company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened and ascertained the fact.

xcIX. If any collector of tolls or other officer employed by the company be discharged or suspended from his office, or die, second, or absent himself, and if such collector or other officer, or the wife, widow, or any of the family or representatives of any such collector or other officer, refuse or neglect, after seven days' notice in writing for that purpose, to deliver up to the company, or to any person appointed by them for that purpose, any station, dwelling-house, office, or other building, with its appurtenances, or any books, papers, or other matters belonging to the company in the possession or custody of any

such collector or officer at the occurrence of any such event as aforesaid, then upon application being made by the company to the sheriff or to any two Justices, it shall be lawful for such sheriff or Justices to order any constable, with proper assistance, to enter upon such station or other building, and to remove any person found therein, and to take possession thereof, and of any such books, papers, or other matters, and to deliver the same to the company, or any person appointed by them for that purpose.

c. That the company shall every year cause an annual account in abstract to be prepared, shewing the total receipts and expenditure of all funds levied by virtue of this or the special Act for the year ending on the 31st of December or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified by the directors, or some of them, and by the auditors, and shall, if required, transmit a copy of the said account, free of charge, to the sheriff clerks of the counties through which the railway shall pass, on or before the 31st of January then next; and the copy of such account shall be open to the inspection of the public at all seasonable hours, on payment of the sum of 1s. for every such inspection: Provided always, that if the said company shall omit to prepare or transmit such account as aforesaid, if required so to do by any such sheriff clerk, they shall forfeit for every such omission the sum of 20*l*.

CI. And with respect to the regulations of the use of the railway,—it is enacted as follows: It shall be lawful for the company, from time to time, subject to the provisions and restrictions in this and the special Act contained, to make regulations for the following purposes; (that is to say,)

For regulating the mode by which and the speed at which carriages using the railway are to be moved or propelled;

For regulating the times of the arrival and departure of any such carriages;

For regulating the loading or unloading of such carriages, and the weights which they are respectively to carry;

For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages;

For preventing the smoking of tobacco, and the commission of any other nuisance, in or upon such carriages, or in any of the stations or premises occupied by the company;

And, generally, for regulating the travelling upon, or using and working of the railway;

But no such regulation shall authorize the closing of the railway, or prevent the passage of engines or carriages on the railway, at reasonable times, except at any time when in consequence of any of the works being out of repair, or from any other sufficient cause, it shall be necessary to close the railway or any part thereof.

CII. For better enforcing the observance of all or any of such regulations it shall be lawful for the company, subject to the provisions of an Act, 3 & 4 Vict. c. 97, intituled, 'An Act for regulating Railways,' to make bye-laws, and from time to time to repeal or alter such bye-laws, and make others, provided that such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the company; and any person offending against any such bye-law shall forfeit for every such offence any sum not exceeding 5*l*., to be imposed by the company in such bye-laws as a penalty for any such offence; and if the infraction or non-observance of any such bye-law or other such regulation as aforesaid be attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, it shall be lawful for the company summarily to interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such bye-law.

CIII. The substance of such last-mentioned bye-laws, when confirmed or allowed according to the provisions of any Act in force regulating the allowance or confirmation of the same, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed and continued on the front or other conspicuous part of every wharf or station belonging to the company, according to the nature or subject-matter of such bye-laws respectively, and so as to give public notice thereof to the parties interested therein or affected thereby; and such boards shall from time to time be renewed as often as the bye-law thereon or any part thereof shall be obliterated or destroyed; and no penalty imposed by any such bye-law shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

civ. Such bye-laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such bye-laws it shall be sufficient to prove that a printed paper or painted board, containing a copy of such bye-laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such paper or board was replaced as soon as conveniently might be.

cv. Where the company shall be authorized by the special Act to lease the railway or any part thereof to any company or person, the lease to be executed in pursuance of such authority shall contain all usual and proper obligations on the part of the lessee for maintaining the railway, or the portion thereof comprised in such lease, in good and efficient repair and working condition during the continuance thereof, and for so leaving the same at the expiration of the term thereby granted and such other provisions, conditions, obligations, and agreements as are usually inserted in leases of a like nature.

cv. Such lease shall entitle the company or person to whom the same shall be granted to the free use of the railway or portion of railway comprised therein, and during the continuance of any such lease all the powers and privileges granted and which might otherwise be exercised and enjoyed by the company, or the directors thereof, or their officers, agents, servants, by virtue of this or the special Act, with regard to the possession, enjoyment, and management of the railway, or the part thereof comprised in such lease, and the tolls to be taken thereon, shall be exercised and enjoyed by the lessee, as the officers and servants of such lessee, under the same regulations and restrictions as are by this or the special Act imposed on the company, and their directors, officers, and servants; and such lessee shall, with respect to the railway comprised in such lease, be subject to all the obligations by this or the special Act imposed on the company.

cvii. And with respect to the engines and carriages to be brought on the railway,—it is enacted as follows: Every locomotive steam-engine to be used on the railway shall, if it use coal or other similar fuel emitting smoke, be constructed on the

principle of consuming and so as to consume its own smoke; and if any engine be not so constructed the company or party using such engine shall forfeit *5l.* for every day during which such engine shall be used on the railway.

**CVIII.** No locomotive or other engine, or other description of moving power, shall at any time be brought upon or used on the railway unless the same have first been approved of by the company; and within fourteen days after notice given to the company by any party desirous of bringing any such engine on the railway the company shall cause their engineer or other agent to examine such engine at any place within three miles distance from the railway to be appointed by the owner thereof, and to report thereon to the company; and within seven days after such report, if such engine be proper to be used on the railway, the company shall give a certificate to the party requiring the same of their approval of such engine; and if at any time the engineer or other agent of the company report that any engine used upon the railway is out of repair, or unfit to be used upon the railway, the company may require the same to be taken off, or may forbid its use upon the railway until the same shall have been repaired to the satisfaction of the company, and upon the engine being so repaired the company shall give a certificate to the party requiring the same of their approval of such engine; and if any difference of opinion arise between the company and the owner of any such engine as to the fitness or unfitness thereof for the purpose of being used on the railway, such difference shall be settled by arbitration.

**CIX.** If any person, whether the owner or other person having the care thereof, bring or use upon the railway any locomotive or other engine, or any moving power, without having first obtained such certificate of approval as aforesaid, or if, after notice given by the company to remove any such engine from the railway, such person do not forthwith remove the same, or if, after notice given by the company not to use any such engine upon the railway, such person do so use such engine, without having first repaired the same to the satisfaction of the company, and obtained such certificate of approval, every such person shall in any of the cases aforesaid forfeit to the company a sum not exceeding *20l.*; and in any such case it shall be lawful for the company to remove such engine from the railway.

**CX.** No carriage shall pass along or be upon the railway (except in directly crossing the same, as herein or by the special Act authorized), unless such carriage be at all times, so long as it shall be used or shall remain on the railway, of the construction and in the condition which the regulations of the company for the time being shall require; and if any dispute arise between the company and the owner of any such carriage as to the construction or condition thereof, in reference to the then existing regulations of the company, such dispute shall be settled by arbitration.

**CXI.** The regulations from time to time to be made by the company respecting the carriages to be used on the railway shall be drawn up in writing, and be authenticated by the common seal of the company, and shall be applicable alike to the carriages of the company and to the carriages of other companies or persons using the railway; and a copy of such regulations shall, on demand, be furnished by the secretary of the company to any person applying for the same.

**CXII.** If any carriage, not being of such construction or in such condition as the regulations of the company for the time being require, be made to pass or be upon any part of the railway (except as aforesaid), the owner thereof, or any person having for the time being the charge of such carriage, shall forfeit to the company a sum not exceeding *10l.* for every such offence, and it shall be lawful for the company to remove any such carriage from the railway.

**CXIII.** The respective owners of carriages using the railway shall cause to be entered with the secretary or other officer of the company appointed for that purpose the names and places of abode of the owners of such carriages respectively, and the numbers, weights, and gauges of their respective carriages; and such owners shall also, if so required by the company, cause the same particulars to be painted in legible characters on some conspicuous part of the outside of every such carriage, so as to be always open to view; and every such owner shall, whenever required by the company, permit his carriage to be weighed, measured, or gauged at the expense of the company.

**CXIV.** If the owner of any carriage fail to comply with the requisitions contained in the preceding enactment, it shall be lawful for the company to refuse to allow such carriage to be brought upon the railway, or to remove the same therefrom until such compliance.

**CXV.** If the loading of any carriage using the railway be such as to be liable to collision with other carriages properly loaded, or to be otherwise dangerous, or if the person having the care of any carriage or goods upon the railway suffer the same or any part thereof to remain on the railway so as to obstruct the passage or working thereof, it shall be lawful for the company to cause such carriage or goods to be unloaded and removed in any manner proper for preventing such collision or obstruction, and to detain such carriage or goods, or any part thereof, until the expenses occasioned by such unloading, removal, or detention be paid.

**CXVI.** The company shall not be liable for any damage or loss occasioned by any such unloading, removal, or detention as aforesaid, except for damage wilfully or negligently done to any carriage or goods so unloaded, removed, or detained; nor shall they be liable for the safe custody of any such carriage or goods so detained, unless the same be wrongfully detained by them, and then only for so long a time as the same shall have been so wrongfully detained.

**CXVII.** The respective owners of engines and carriages passing or being upon the railway shall be answerable for any damage done by their engines or carriages, or by any of the servants or persons employed by them, to or upon the railway, or the machinery or works belonging thereto, or to or upon the property of any other person.

**CXVIII.** It shall be lawful for any owner of any engine or carriage who shall pay the amount of any damage caused by the misfeasance or negligence of any servant or other person employed by him to recover the amount so paid by him from such servant or other person.

**CXIX.** And with respect to the settlement of disputes by arbitration,—it is enacted as follows: When any dispute directed by this or the special Act, or any Act incorporated therewith, to be settled by arbitration, shall have arisen, then,

unless both parties shall concur in the appointment of a single arbiter, each party, on the request of the other party, shall nominate and appoint an arbiter to whom such dispute shall be referred; and every appointment of an arbiter shall be made on the part of the company, under the hand of the secretary or any two of the directors of the company, and on the part of any other party under the hand of such party, or if such party be a company or corporation, under the hand of the proper officer or person authorized by such company or corporation; and such appointment shall be delivered to the arbiter, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matters so required to be referred to arbitration, shall have been served by the one party on the other party, to appoint an arbiter, such last-mentioned party fail to appoint such arbiter, then upon such failure the party making the request, and having himself appointed an arbiter, may appoint such arbiter to act on behalf of both parties; and such arbiter may proceed to hear and determine the matters which shall be in dispute; and in such case the award or determination of such single arbiter shall be final.

CXX. If before the matters so referred shall be determined any arbiter appointed by either party die, or become incapable to act, the party by whom such arbiter was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so the remaining or other arbiter may proceed *ex parte*; and every arbiter so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbiter at the time of such his death or incapacity as aforesaid.

CXXI. Where more than one arbiter shall have been appointed, such arbiters shall, before they enter upon the matters so referred to them, nominate and appoint by writing under their hands an oversman to decide on any such matters on which they shall differ, or which shall be referred to them under this or the special Act; and if such oversman shall die, or become incapable to act, they shall forthwith after such death or incapacity appoint another oversman in his place; and the decision of every such oversman on the matters on which the arbiters shall differ shall be final.

CXXII. If in either of the cases aforesaid the said arbiters shall refuse, or shall for seven days after request of either party to such arbitration neglect to appoint an oversman, the Lord Ordinary, on the application of either party to such arbitration, shall appoint an oversman; and the decision of such oversman on the matters on which the arbiters shall differ, or which shall be referred to them under this or the special Act, shall be final.

CXXIII. If, when a single arbiter shall have been appointed, such arbiter shall die or become incapable to act, before he shall have made his award, the matters referred to him shall be determined by arbitration, under the provisions of this or the special Act, in the same manner as if such arbiter had not been appointed.

CXXIV. If, where more than one arbiter shall have been appointed, either of the arbiters refuse, or for seven days neglect to act, the other arbiter may proceed *ex parte*, and the decision of such arbiter shall be as effectual as if he had been the single arbiter by both parties.

CXXV. If, where more than one arbiter shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such arbiters shall fail to make their award within twenty-one days after the day on which the last of such arbiters shall have been appointed, or within such extended time as shall have been appointed for that purpose by both such arbiters, under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

CXXVI. The said arbiters or their oversman may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose, and may also grant diligence for the recovery of such documents as either party may require, or for citing witnesses, and on application to the Lord Ordinary letters of supplement, or such other writ as may be necessary, shall be issued by the Lord Ordinary in support of such diligence.

CXXVII. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the expenses of and attending every such arbitration, to be determined by the arbiters, including the expense of recording the decret arbitral or award in the books of council and session, and of furnishing extracts thereof from the said books, shall be in the discretion of the arbiters or the oversman, as the case may be.

CXXVIII. The arbiters or oversman, as the case may be, shall make the decret arbitral or award in writing, and shall cause the same to be recorded in the books of council and session; and extracts of decreets arbitral or awards so recorded shall make faith in all courts and cases in like manner as the original decreets arbitral or awards themselves, except where the originals are offered to be improven.

CXXIX. No award made in respect to any question referred to arbitration under the provisions of this or the special Act shall be set aside for irregularity or error in matter of form.

CXXX. That any summons or notice, or any writ or other proceeding at law, requiring to be served upon the company, may be served by the same being left at or transmitted through the post directed to the principal office of the company, or one of their principal offices where there shall be more than one, or being given personally to the secretary, or in case there be no secretary then by being given to any one director of the company.

CXXXI. That if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if before action brought in respect thereof such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made it shall be lawful for the

defender, by leave of the Court where such action shall be pending, at any time before the record is closed to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defenders are allowed to pay money into court.

CCXIII. And with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the sheriff or to Justices, it is enacted as follows: In all cases where any damages, charges, or expenses are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by the sheriff; and if the amount so ascertained be not paid by the company or other party liable to pay the same, within seven days after demand, the amount may be recovered by pouncing and sale of the goods of the company or other party liable as aforesaid, and the sheriff shall, on application, issue his warrant accordingly.

CCXIII. If sufficient goods of the company cannot be found whereon to levy any such damages, charges, or expenses payable by the company, the same may, if the amount thereof do not exceed 20*l.* be recovered by pouncing and sale of the goods of the treasurer of the company, and the sheriff, on application, shall issue his warrant accordingly; but no such pouncing and sale shall be executed against the goods of such treasurer unless seven days' previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and if such treasurer pay any money under such distress or pouncing and sale as aforesaid he may retain the amount so paid by him, and all expenses occasioned thereby, out of any money belonging to the company coming into his custody or controul, or he may sue the company for the same.

CCXIV. Where in this or the special Act, or any Act incorporated therewith, any question of damages, charges, expenses, or other matter is referred to the determination of any sheriff or Justices, it shall be lawful for the sheriff or any Justice, upon the application of either party, to order the other party to appear before such sheriff if the order shall be issued by the sheriff, or before two Justices if the order shall have been issued by a Justice, at a time and place to be named in such summons; and upon the appearance of such parties, or in the absence of any of them upon proof of due service of the summons, it shall be lawful for such sheriff or such two Justices, as the case may be, to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, on oath; and the expenses of every such inquiry shall be in the discretion of such sheriff or Justices, and he or they shall determine the amount thereof.

CCXV. The company shall publish the short particulars of the several offences for which any penalty is imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law of the company affecting other persons than the shareholders, officers, or servants of the company, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the company, and where any such penalties are of local application shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner hereinbefore required.

CCXVI. If any person pull down or injure any board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the purpose of publishing any bye-law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding 5*l.*, and shall defray the expenses attending the restoration of such board.

CCXVII. Every penalty or forfeiture imposed by this or the special Act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before the sheriff or two Justices; and on complaint being made to any sheriff or Justice he shall issue an order requiring the party complained against to appear before himself if the order be issued by a sheriff, or before two or more Justices if the order be issued by a Justice, at a time and place to be named in such order; and every such order shall be served on the party offending either in person or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence after proof of the due service of such order, it shall be lawful for any sheriff or two Justices to proceed to the hearing of the complaint; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such sheriff or Justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such expenses attending the conviction as such sheriff or Justices shall think fit.

CCXVIII. If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such expenses as aforesaid, be not paid, the amount of such penalty and expenses shall be levied by pouncing and sale, and such sheriff or Justices, or either of them, shall issue his or their warrant of pouncing and sale accordingly.

CCXIX. It shall be lawful for any such sheriff or Justices to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of pouncing and sale to be issued for levying such penalty or forfeiture and expenses, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the sheriff or Justices, for his appearance before him or them on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing such warrant of pouncing and sale it shall appear to the sheriff or Justices, by the admission of the offender or otherwise, that no sufficient pouncing and sale can be had within the jurisdiction of such sheriff or Justices whereon to levy such penalty or forfeiture and expenses, he or they may, if he or they think fit, refrain from issuing such warrant; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the sheriff or Justices, then such sheriff or Justices, shall by warrant cause such offender to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such penalty or forfeiture and expenses be sooner paid and satisfied.

CXL. Where in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by pouding and sale, such sum of money shall be levied by pouding and sale of the goods and effects of the party liable to pay the same; and the overplus arising from the sale of such goods and effects, after satisfying such sum of money, and the expenses of the pouding and sale, shall be returned, on demand, to the party whose goods shall have been seized.

CXLI. No pouding and sale made by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser or wrongdoer, on account of any defect or want of form in the summons, conviction, warrant, or other proceeding relating thereto, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action before the sheriff court.

CXLII. The sheriff or Justices by whom any such penalty or forfeiture shall be imposed, where the application thereof is not otherwise provided for, may award not more than one half thereof to the informer, and shall award the remainder to the kirk session, or treasurer or collector of the funds for the poor, of the parish in which the offence shall have been committed, for the benefit of the poor of such parish.

CXLIII. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before the sheriff or Justices, unless the complaint respecting such offence shall have been made before such sheriff or some Justice within six months next after the commission of such offence.

CXLIV. If, through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by this or the special Act, or any Act incorporated therewith, any damage to the property of the company shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty; and the amount of such damage shall, in case of dispute, be determined by the sheriff or Justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages, on demand, the same shall be levied by pouding and sale, and such sheriff or Justices shall issue his or their warrant accordingly.

CXLV. It shall be lawful for any sheriff or Justice to summon any person to appear before him as a witness in any matter in which such sheriff or Justice or two or more Justices shall have jurisdiction under the provisions of this or the special Act, or any Act incorporated therewith, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath or to give evidence before such sheriff or Justice or Justices, every such person shall forfeit a sum not exceeding 5*l.* for every such offence.

CXLVI. It shall be lawful for any officer or agent of the company, and all persons called by him to his assistance, to seize and detain any person who shall be found committing any offence against the provisions of this or the special Act, or any Act incorporated therewith, and whose name and residence shall be unknown to such officer or agent, and convey him with all convenient despatch before the sheriff or a Justice, without any warrant or other authority than this or the special Act; and such sheriff or Justice shall proceed with all convenient despatch in the matter of the complaint against such offender.

CXLVII. Any sheriff to whom any application is authorized to be made, and before whom any judicial proceeding shall in consequence take place or become necessary under or by virtue of this or the special Act, or any Act incorporated therewith, shall and he is hereby authorized and required summarily to call before him all parties who appear to him to be interested therein, and to proceed forthwith to hear *viâ voce*, and pronounce judgment regarding the matters mentioned in such application or proceedings, or to do the several matters and things required by this Act to be done by him, without waiting the ordinary course of the roll of causes before him, and without written pleadings or a written record, or reducing any evidence which may be led by either of the parties to writing, unless and except where the said sheriff shall consider that the matters mentioned in such application or proceedings can with more advantage be decided with written pleadings and with a written record, in which case he shall proceed to make up a record, and bring the said matters to a conclusion with all convenient despatch; and the orders and judgments of the said sheriff when pronounced without a record shall be final and conclusive, and not subject to review by suspension or advocacy or to reduction on any ground whatever.

CXLVIII. The sheriff or Justice or Justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the Schedule to this Act annexed.

CXLIX. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by suspension or otherwise into any superior court.

CL. In all cases which may come before any sheriff substitute under this or the special Act, or any Act incorporated therewith, in which written pleadings shall have been allowed, and a written record shall have been made up, and where the evidence which has been led by the parties shall have been reduced to writing, but in no other case whatever, it shall be competent for any of the parties thereto, within seven days after a final judgment shall have been pronounced by such sheriff substitute, to appeal against the same to the sheriff of the county, by lodging a minute of appeal with the sheriff clerk of such county or his deputy; and the said sheriff shall thereupon review the proceedings of the said sheriff substitute and whole process, and, if he think proper, hear the parties *viâ voce* thereon, and pronounce judgment; and such judgment shall in no case be subject to review by suspension or advocacy or to reduction on any ground whatever.

CLI. If any party shall feel aggrieved by any determination or adjudication of any Justices with respect to any matter under the provisions of this or the special Act, or any Act incorporated therewith, he may, unless otherwise specially provided, appeal to the General Quarter Sessions for the county or place in which the cause of appeal shall have arisen; but

no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a Justice, conditioned duly to prosecute such appeal, and to abide the order of the Court thereon.

CXL. At the Quarter Sessions for which such notice shall be given the Court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the expenses, both of the adjudication and of the appeal, as they may think reasonable.

CXLI. And with respect to the provision to be made for affording access to the special Act by all parties interested, It is enacted as follows: The company shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty or some of them; and shall also within the space of such six months deposit in the offices of each of the sheriff clerks of the several counties into which the works shall extend a copy of such special Act, so printed as aforesaid; and the said sheriff clerks shall receive, and they and the company respectively shall retain, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act, 7 Will. 4. & 1 Vict. c. 83, intituled, 'An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

CLIV. If the company shall fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the special Act, they shall forfeit 20*l.* for every such offence, and also 5*l.* for every day afterwards during which such copy shall be not so kept or deposited.

CLV. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

### SCHEDULE referred to by the foregoing Act.

#### *Form of Conviction before*

to wit.  
 As it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ A. B. is convicted before me C., the Sheriff [or before us D., E., Two of Her Majesty's Justices of the Peace] for the County of \_\_\_\_\_ [here describe the Offence generally, and the Time and Place when and where committed], contrary to the [here name the special Act].  
 Given under my Hand [or under our Hands], the Day and Year first above written.

C.  
 or  
 D.  
 E.

### CAP. XXXIV.

AN ACT for abolishing the separate Seal Office of the Courts of Queen's Bench and Common Pleas.  
 (21st July 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. *Abolition of offices of Receiver General and Comptroller of the Seal.*
2. *Writs, &c. in Courts of Queen's Bench, Common Pleas, and Eschequer to be sealed by the Masters of those courts respectively, &c.—Fees.*
3. *Commissioners of the Treasury may direct certain sums of money to be paid to the Clerk of the Hanaper.*

By this Act,

After reciting, that, by 6 Geo. 4. c. 89, it was recited, that the office of Receiver General and Comptroller of the Seal of the Courts of King's Bench and Common Pleas was, by letters patent under the Great Seal of England, dated the 30th of April, in the 25 Car. 2, granted to Henry Earl of Euston, afterwards Duke of Grafton, in tail male, and that the office was then held by a person entitled thereto under the said grant; and it was by the said Act enacted, that it should be lawful for the Commissioners of the Treasury to treat, contract, and agree with the person beneficially entitled to the fees, receipts, and profits of the said office, for the purchase of all the rights, profits, privileges, and advantages whatever belonging thereto, for such annuity, to be charged upon the Consolidated Fund of the United Kingdom, as the said Commissioners should think fit,



and that from and after the confirmation of the said agreement by Parliament the rights and interests of all persons whatsoever claiming or entitled to claim under the said recited letters patent should cease and determine: And that the Commissioners of her Majesty's Treasury treated, contracted, and agreed with George Henry Fitzroy, the late Duke of Grafton, who was entitled to the office of Receiver General and Comptroller of the Seal of the Courts of Queen's Bench and Common Pleas, and which contract and agreement have been acceded to by the present Duke of Grafton, for the purchase of the said office, and of all the rights, profits, privileges, and advantages whatsoever belonging thereto, for an annuity of 843*l.* payable to the Duke of Grafton, and an annuity of 300*l.* payable to John Pimlott, his deputy:—

It is Enacted,

I. That from and after the 31st of December 1845, the present office of Receiver General and Comptroller of the Seal of the Courts of Queen's Bench and Common Pleas shall wholly cease and determine; and there shall be paid to the present Duke of Grafton the sum of 843*l.* per annum, and to John Pimlott, his deputy, the sum of 300*l.* per annum; the said annuity to the Duke of Grafton to be paid to him during his life, and at his decease to be continued from time to time to such persons as would have been entitled to the fees, profits, and advantages of the said office of Receiver General and Comptroller of the Seal of the said Courts, under the letters patent before recited, if the same had not been abolished by this Act and the said annuity to John Pimlott to be paid to him during his life; and such annuities shall commence on the 1st January 1846, and shall be issued and paid and payable quarterly out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

II. That from and after the said 31st of December 1845 all writs and other processes hitherto sealed and re-sealed at the said office of the Receiver General and Comptroller of the Seal of the Courts of Queen's Bench and Common Pleas shall be sealed and re-sealed by the Masters of the said courts respectively, and by the Queen's Coroner and Attorney and Master of the Crown side of the Court of Queen's Bench, with the seals or stamps now or which may hereafter be used by the Masters respectively in their several offices, and with no other seals; and all proceedings, acts, matters, and things usually had, done, and performed in the said offices hereby abolished, and which it is requisite or needful to be continued, shall be had, done, and performed by the Masters of the said respective courts, and by the Queen's Coroner and Attorney and Master on the Crown Side of the Court of Queen's Bench, as fully and effectually, to all intents and purposes, as the same might or would have been had, done, and performed by the said Receiver General and Comptroller of the Seals of the said courts, or his deputy; subject nevertheless to all such orders and directions as shall or may from time to time be made by the Judges of the said courts for regulating the proceedings and practice and the receipt of fees therein; and all records, books, papers, and other documents of and concerning the duties of the said offices hereby abolished, and also all seals used therein, shall on the 31st of December 1845 be delivered by the said Receiver General and Comptroller of the Seal of the Courts of Queen's Bench and Common Pleas, or by his deputy, to the Masters of the Courts of Queen's Bench and Common Pleas respectively, and to the Queen's Coroner and Attorney and Master on the Crown side of the Court of Queen's Bench, according to the particular court and office to which such records and other things may relate, to be by them kept and preserved in the respective offices: Provided always, that the fees now payable for sealing and re-sealing the said writs and other processes shall from and after the said 31st of December 1845 be taken and received by the Masters of the said courts, and by the Queen's Coroner and Master in the Crown Office, and such fees shall be accounted for by them in the same manner as other fees received in their said respective offices.

And after reciting that certain sums of money, amounting to 1,653*l.* 14*s.* per annum, have for many years past been paid out of the profits of his office by the Receiver General and Comptroller of the Seals of the Courts of Queen's Bench and Common Pleas, by way of rent-charge, into the receipt of the hanaper in the Court of Chancery, and such payments, unless otherwise provided for, will wholly cease and determine:—

It is Enacted,

III. That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, if they shall deem it expedient, to direct the whole or any part of the said sum of money to be paid to the clerk of the hanaper in the Court of Chancery, at such times and in such manner as they may think proper, out of the fee funds respectively of the Masters of the Courts of Queen's Bench and Common Pleas, into which funds the fees for sealing writs and other process issued from the said courts will be payable upon the abolition of the said office of the Receiver General and Comptroller of the Seals of the operation of this Act.

#### CAP. XXXV.

AN ACT to simplify the Form and diminish the Expense of obtaining Infefment in Heritable Property in Scotland.

(21st July 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. How sasine to be given in future.
2. Instruments of sasine to be entered and recorded.
3. May be recorded at any time, but the date of the presentment to be the date of the infefment.
4. In case of error or defect, another instrument may be recorded.

6. *Forms of the precept and instrument of sasine.*
8. *Precept from Chancery to be issued to notaries upon payment of retour duties and casualties.—Fees to be paid to sheriffs and sheriff clerks for a limited period.*
7. *Forms of burgage sasines to continue as at present.*
8. *Instruments of resignation ad remanentiam regulated.*
9. *Instruments of resignation in favorem abolished.*
10. *Interpretation of Act.*
11. *Alteration of Act.*

By this Act,

After reciting that it is expedient to simplify the form and diminish the expense of obtaining infestment in heritable property in Scotland:—

It is Enacted,

- I. That from and after the 1st of October 1845, it shall not be necessary to proceed to the lands in which sasine is to be given, or to perform any act of infestment thereon, but sasine shall be effectually given therein and infestment obtained by producing to a notary public the warrants of sasine and relative writs, as now in use to be produced at taking infestment, and by expediting and recording in the general register of sasines, or the particular register of the sasines applicable to the lands contained in the warrant of infestment, in manner hereinafter directed, an instrument of sasine, setting forth that sasine had been given in the said lands, and subscribed by the said notary public and witnesses, according to the form and as nearly as may be in the terms of Schedule (B.) hereto annexed; and such form of infestment shall be effectual, whether the lands lie contiguous or discontinuous, or are held by the same or by different titles, or of one or more superiors, or whether the deed entitling the party to obtain infestment be dated prior or subsequent to the present Act, or whether the precept of sasine therein be in the form heretofore in use, or in the form authorized by the present Act.
  - II. That from and after the said 1st of October every such instrument of sasine shall be recorded in manner heretofore in use with regard to instruments of sasine, and the keepers of the registers of sasines are hereby required to receive and register the same accordingly; and such instrument of sasine, being so recorded, shall in all respects have the same effect as if sasine had been taken and an instrument of sasine duly recorded according to the law and practice heretofore in use.
  - III. That from and after the said 1st of October every such instrument of sasine may be competently and effectually recorded at any time during the life of the party in whose favour such instrument has been expedited, but the date of presentment and entry set forth on any such instrument by the keeper of the record shall be taken to be the date of the instrument of sasine and infestment.
  - IV. That in case of any error or defect in any such instrument of sasine, or in the recording thereof, it shall be competent of new to make and record an instrument of sasine, which shall have effect from the date of the recording thereof, as if no previous instrument or instruments had been made or recorded.
  - V. That in all deeds containing a precept of sasine such precept may be in the form and as nearly as may be in the terms of the Schedule (A.) hereto annexed, and the instrument of sasine on any such deed shall be in the form and as nearly as may be in the terms of the said Schedule (B.) hereto annexed, which precepts and instruments of sasine respectively shall be as valid and effectual as the precepts and instruments of sasine heretofore in use.
  - VI. That where infestment is to be completed under a precept issuing from the office of Chancery, which precept has hitherto been directed to the sheriff of the county in which the lands or some part thereof lie, such precept shall, after the said 1st of October, be addressed to any notary public: Provided always, that such precept shall be null and void unless the instrument of sasine thereon be recorded in the general register of sasines, or the register of sasines applicable to the lands therein contained, before the first term of Whitsunday or Martinmas posterior to the date of such precept, without prejudice to a new precept being issued as heretofore, and that before such precept is issued from Chancery the retour duties and casualties due to the Crown shall be paid to the proper officer there, who shall account to the Exchequer for the same in like manner as the sheriffs were wont to do; and the same officer shall also receive at the same time certain fees on behalf of the sheriffs' sheriffs substitute, and sheriff clerks of the counties in which the lands lie, and on which sasine would have been taken according to the form heretofore in use, and to whom such officer shall account for the same, in place of the fees which they have heretofore been in use to receive, but such fees shall be paid only during the existence of the respective interests of the present sheriffs, sheriffs substitute, and sheriff clerks, in their respective offices; and the Lords of Council and Session are hereby authorized and required, by an act or acts of sederunt, to regulate and determine the amount of the fees to be so received on behalf of each sheriff, sheriff substitute, and sheriff clerk, having due regard to the existing interest of each.
- And after reciting that it is not hereby intended to make any alterations in the law with regard to instruments of sasine and instruments of cognition, and sasine of subjects held burgage, or by any similar mode of tenure known and effectual in law, excepting as after specified:—
- It is Enacted,
- VII. That the forms and modes of registration of these instruments shall continue the same as at present, excepting only that the same shall be valid and effectual, if attested by the town clerk as a notary, without the addition of his docquet, and by the witnesses, and that the delivery of symbols may lawfully be given, either on the ground of the subjects as heretofore, or within the council chamber of the burgh by delivery of a pen.

VIII. That instruments of resignation ad remanentiam shall be written in the same form as at present, but it shall be unnecessary for the notary public to adhibit his long docket to such instruments; and further, that all resignations ad remanentiam may be accepted by the superior himself, or on his behalf, by his known agent for the time, or by any person having a formal commission for that purpose.

And after reciting that instruments of resignation in favorem, as separate instruments intended merely to connect the procuratory with the charter of resignation, are now rarely used in practice, and are wholly unnecessary:—

It is Enacted,

IX. That from and after the said 1st of October the same shall be and are hereby abolished: Provided always, that the deduction of titles required by the Act of the Parliament of Scotland made in the year 1693, intituled, 'Act anent Procuratories of Resignation and Precepts of Seisin,' to be made in such instruments, shall from and after the date of this Act be made in the charter of resignation.

X. That in the construction of this Act the words "notary public" shall be held to mean a notary public in Scotland duly admitted and practising there; the word "deed" shall be held to include any warrant or document upon which sasine may follow; and the word "lands," or the words "heritable property," shall be held to include houses, fishings, mills, minerals, patronages, teinds, and in general all heritable subjects or rights in which infestment may be taken; and all words in the singular number shall be held to include a plurality of persons or things; and in general this Act shall be construed in the most liberal manner, so as to accomplish the objects thereby intended.

XI. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

### SCHEDULES referred to in the foregoing Act.

#### SCHEDULE (A.)

##### FORM OF PRECEPT OF SASINE.

MOREOVER I desire any Notary Public to whom these Presents may be presented to give to the said *A. B.* or his foreside Sasine [or Life-rent Sasine, or Sasine in Life-rent and Fee respectively, as the Case may be,] of the Lands and others above disposed, [if the Deed be granted under the Burden of a Real Lien or Servitude, or any other Incumbrance, Condition or Qualification of the Right, or under Redemption, then there will be added here, "but always under the Burden of the Real Lien," &c. (as the Case may be) before specified]. In witness whereof, &c. [here insert a Testing Clause in legal Form].

#### SCHEDULE (B.)

##### FORM OF INSTRUMENT OF SASINE.

AT there was, by or on behalf of *A. B.* of *Z.*, Esquire, presented to me, Notary Public subscribing, a Disposition [or other Deed, or an Extract of a Deed (as the Case may be)], granted by *C. D.* of *Y.*, Esquire, and bearing Date as in the Precept of Sasine hereinafter inserted, [here describe also any connecting Deed or Writ, or Extract thereof, in virtue of which the Sasine is to be given to *A. B.*] by which Disposition the said *C. D.* sold, alienated, and disposed to the said *A. B.* [or, to *E. F.* (as the Case may be)] and his Heirs and Assignees, [here insert the Destination, if any,] heritably and irredeemably, [or redeemably, or in Life-rent, or otherwise, (as the Case may be)], all and whole [here insert the Description of the Subjects conveyed; and if the Disposition by *C. D.* was not to *A. B.* himself, but is vested in him as Assignee, Heir, or Adjudger, or otherwise, in whole or in part, state the successive Transferences, and the Way in which he has right thereto], which Disposition contains an Obligation to infest [here state whether a se or de se, or both or either (as the Case may be), and a Precept of Sasine in the following Terms [here insert the Precept, which may be either according to the Form at present in use, or according to the abbreviated Form in Schedule (A.)], in virtue of which Precept I hereby give Sasine [or Life-rent Sasine, or Sasine in Life-rent and Fee respectively] to the said *A. B.* of the Lands and others above described. [If the Precept of Sasine contains a Reference to a Real Burden, or to any Conditions or Qualifications of the Right, or to a Power of Redemption, then add, "but always under the Burden of the Real Right, &c. before specified."]

In witness whereof I have subscribed these Presents, written on this and the preceding Pages by *G. H.*, my Clerk, before these Witnesses, the said *G. H.* and *J. K.*, Accountant in Edinburgh.

*G. H.*, Witness.  
*J. K.*, Witness.

(Signed) *L. M.*, Notary Public.

## CAP. XXXVI.

AN ACT to continue for Five Years and to amend the Acts for authorizing a Composition for Assessed Taxes.

(21st July 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Assessments for the year ending 5th April 1846 on persons compounding under this Act to remain to the same amount for the term of five years; and compositions under former Acts may be renewed for the like term.—Form of contract of composition.*
2. *Articles kept for trade or by persons in partnership, or to be let for hire, not to be compounded for.—Enumeration of articles to be compounded for.*
3. *Persons assessed for the year ending the 5th of April 1846 may compound on the amount assessed in that year, paying an additional duty of 5l. per cent.*
4. *Persons who have compounded under former Acts may renew their compositions under this Act.—Duties to be paid on renewed compositions.*
5. *The additional duty of 10l. per cent. granted by 3 & 4 Vict. c. 17. to be charged on the composition under this Act.*
6. *Persons who, since compounding, have increased their establishments more than double, or who have compounded on a less amount of duty than they ought to have done, not to renew their compositions, but may compound de novo.*
7. *Persons who have compounded under former Acts giving notice of reduction in their establishment not to renew their compositions, but may compound de novo.*
8. *Persons having diminished their establishment during their residence abroad and those persons residing abroad not to compound.*
9. *Persons having compounded and reduced their establishments may compound de novo on the assessment of 1846.*
10. *Persons who keep taxable articles not included in a renewed contract of composition may compound for the same by a separate contract.*
11. *Compounders entitled to the like privileges of increasing establishments, &c. as under former Acts.—Exceptions as to certain descriptions of dogs.*
12. *Persons compounding for servants, carriages, and horses at the higher rates of duty entitled to keep free of duty servants, carriages, and horses chargeable at lower rates.*
13. *Persons assessed or having compounded for a carriage at a lower rate of duty entitled to substitute for it in their composition contract a carriage at a higher rate.—Persons having compounded for a carriage at a lower rate of duty entitled to set up under their composition a carriage chargeable at a higher rate, on payment of the difference of duty.*
14. *Compositions with persons afterwards succeeding to estates on the death of any person, or on marriage, and increasing their establishments beyond a certain extent, to cease, with power to compound de novo.*
15. *Composition of contracts of married women to cease.*
16. *Commissioners and officers acting in the execution of the Acts relating to assessed taxes to execute this Act.—Powers and provisions of former Acts to remain and to be applied to the compositions under this Act.*
17. *Persons intending to compound or to renew any composition to give notice thereof, together with a statement of the articles of composition.*
18. *Persons assessed in places other than where they reside to deliver certificates of assessments to the surveyor.*
19. *Surveyor to examine notices of intention to compound or renew compositions, and to deliver the same with his certificate to the commissioners.*
20. *Errors or mistakes in compositions may be amended.*
21. *Composition contracts not liable to stamp duty.*
22. *Act may be amended this session.*

By this ACT,

After reciting that by virtue of several Acts of Parliament, divers persons have compounded for their assessed taxes in Great Britain for a certain time limited by the said Acts respectively, and their contracts of composition have been from time to time renewed or continued for a further term under and by virtue of several other Acts passed for that purpose, and such contracts will expire on the 5th of April 1846: And that it is expedient to relieve such persons who have so compounded as aforesaid, as well as others who may be willing to compound under the provisions of this Act, from an annual assessment for a further term herein limited;—

It is Enacted,

1. That the assessments made or to be made for the year to end on the 5th of April 1846, under and by virtue of the several Acts now in force, in relation to such of the duties of assessed taxes as may be comprised in any composition to be entered into under this Act, shall severally be and remain to the same annual amount in respect of every person who shall compound for the same under this Act for the term of five years, to be computed from the said 5th of April 1846; and the several compositions entered into under any former Act or Acts, and now in force, may, in respect of such of the said duties as are herein enumerated and allowed to be compounded for, be renewed under this Act for the like term of five years, to be computed as aforesaid, in the manner and subject to the terms, conditions, and exceptions herein prescribed; and every contract of composition to be entered into or renewed under this Act may be made according to the form set forth in the Schedule to this Act

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annexed, *mutatis mutandis*, or according to such other form as the Commissioners of Stamps and Taxes shall provide in that behalf, and shall specify the number of servants, carriages, horses, and other articles of the establishment upon which such composition shall be made or renewed as aforesaid.

II. Provided and enacted, That no composition shall be entered into or renewed under this Act in respect of any carriage, horse, or other article kept for the purpose of trade, or let or used for hire, or assessed or charged upon two or more persons jointly or in partnership, nor for any duties of assessed taxes other than the duties on the following articles forming the establishment of the person so compounding and retained, employed, kept, and used for his own use, and not for or to the use, benefit, or profit of any other person; (*videlicet*,) the duties on servants mentioned in the Schedule marked (C.) No. 1. and No. 3. of two several Acts, respectively 48 Geo. 3. and 52 Geo. 3. and the reduced duty granted by an Act, 59 Geo. 3. on under-gamekeepers; the duties on carriages mentioned in the Schedule marked (D.) No. 1. and No. 2. of the said Acts respectively, and the several reduced duties granted by an Act, 1 Will. 4. upon carriages with four wheels of less diameter than thirty inches, and drawn by ponies not exceeding thirteen hands in height, and upon carriages with four wheels and drawn by one horse only; and also the duties on horses mentioned in the Schedules respectively marked (E.) No. 1. and (F.) No. 1. of the said respective Acts, 48 Geo. 3. and 52 Geo. 3. whether such horses are subject to the rates mentioned in the said Acts, or to any reduced duty by any subsequent Act; and the reduced duty granted by two several Acts, respectively 59 Geo. 3. and 4 Geo. 4. upon horses not exceeding the height of thirteen hands, used for the purpose of riding or drawing carriages; and also the duties on race horses granted by an Act, 5 & 6 Will. 4.; and the duties on dogs mentioned in the Schedule marked (G.) of the said respective Acts, 48 Geo. 3. and 52 Geo. 3.; and the duties in respect of using or wearing hair powder mentioned in the Schedule marked (I.) of the said Act, 48 Geo. 3.; and also the duties in respect of using or wearing armorial bearings or ensigus mentioned in the Schedule marked (K.) of the said last-mentioned Act; and every such composition which shall comprise any other duty or duties than the duties hereinbefore enumerated, and allowed by this Act to be compounded for, shall be void and of no effect in respect of such other duties; and all such other duties shall be assessed and charged according to the laws in force relating to assessments, notwithstanding any such composition.

III. That every person, not having compounded under the said former Acts, who is or shall be duly assessed for the year ending on the 5th of April 1846 to the duties chargeable under the Acts relating to assessed taxes, may compound for the said duties in respect of the articles comprised in such assessment and herein enumerated for the said term of five years hereby limited, on payment of the same amount annually as is or shall be assessed on him for the said year ending as aforesaid in respect of the said articles herein enumerated, together with an additional annual duty of 1s. for every 20s., and after that rate for any greater or less sum than 20s. of the said amount so assessed, but no fractional part of 1d. of the said additional duty shall be payable.

IV. That every person, except as hereinafter is excepted, who hath compounded under the said former Acts for the duties of assessed taxes by any contract now in force may renew such composition as to the duties on the articles herein enumerated and allowed by this Act to be compounded for; and the commissioners of the division in which such person shall reside shall renew such composition under the provisions of this Act, whether the same was entered into with the commissioners of the same division or of any other division; and the amount of duty charged and now payable on the same articles respectively comprised in the said former composition, together with the additional per-centage rate or several additional per-centage rates of duty also charged therein under the said former Acts in respect of the said articles, shall form the aggregate amount on which the following additional rates of duty shall respectively be computed and charged for the renewal of such composition under this Act; (that is to say,) where the person who hath compounded as aforesaid hath increased his establishment of servants, horses, carriages, or other articles upon which such composition hath been made, but to such an extent only that the duties chargeable thereon under an assessment would not exceed by more than one-fourth the total amount of the sum now payable on such contract of composition, there shall be payable annually a further additional duty of 1s. for every 20s., and after that rate for any greater or less sum than 20s. of said aggregate amount; and where such person hath increased such his establishment beyond the extent aforesaid, but so that the duties chargeable thereon under an assessment would not exceed double the sum now payable on such contract of composition, there shall be payable annually a further additional duty of 2s. for every 20s., and after that rate for any greater or less sum than 20s. of the said aggregate amount; but no fractional part of 1d. of the said respective additional duties shall be payable under this Act: Provided always, that where the person who hath compounded as aforesaid hath not increased such his establishment so that the duties chargeable thereon under an assessment would exceed the total amount of the sum now payable on his contract of composition, no additional rate of duty shall be payable under this Act for the renewal of such composition.

V. Provided and enacted, That the additional duty of 10l. per centum granted and now payable under an Act, 3 & 4 Vict. c. 17, intituled, 'An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes,' shall be computed and charged upon and shall be payable over and above the gross aggregate amount of all the duties charged by this or any former Act or Acts upon or in respect of any contract of composition made or renewed under this Act.

VI. That no contract of composition shall be renewed under this Act with any person who, since entering into such contract hath increased his establishment of servants, carriages, horses, or other articles upon which such composition hath been made, so that the duties chargeable on such establishment, under an assessment for the year to commence from the 5th of April 1846, would amount to more than double the sum now payable under such contract, nor with any person who hath compounded on a less amount of duty than ought to have been included in such composition; but nevertheless it shall be lawful for any such person, in either of the cases aforesaid, after he shall have made a *bond fide* return of the greatest number of servants, carriages, horses, and other articles of his establishment, according to the laws in force relating to the assessed taxes, in order to an assessment thereon for the year to commence from the 5th of April 1846, and shall be duly assessed for that year, to compound *de novo* on the amount so assessed in respect of the articles herein enumerated, together with the additional duty chargeable on contracts of composition entered into under this Act.

VII. Provided and enacted, That no person who hath compounded under the said former Acts, and who hath given or shall give notice in this present year in pursuance of the said Acts of his intention to discontinue any part of his increased establishment of servants, carriages, horses, or other articles in the manner provided by the said Acts, shall be allowed to renew his former contract of composition, or to enter into any new contract of composition under this Act, except upon the amount of an assessment to be made on a *bond fide* return of the greatest number of servants, carriages, horses, and other such articles as aforesaid kept or used or employed by him in the year commencing from the 5th of April 1845, together with the additional duty chargeable thereon under this Act, in the same manner as if such person had not compounded under the said former Acts, notwithstanding the said notice, or anything contained in the said former Acts or in this Act.

VIII. Provided and enacted, That no composition shall be entered into under this Act with any person who shall have resided out of Great Britain before the passing of this Act for a temporary purpose only, and who shall be assessable to the said duties, for the year ending the 5th of April 1846, to a less amount than he was assessed before his departure from Great Britain, nor shall any composition be entered into or renewed with any person who shall be residing out of the United Kingdom.

IX. That if any person having compounded under the said former Acts shall have reduced his establishment so that he may be chargeable with a less amount of assessed taxes for the year commencing from the 5th of April 1846 than the amount of duty compounded for, and shall by reason thereof be desirous of waiving the said composition, and of compounding *de novo*, it shall be lawful for him so to do, upon giving notice in writing of such his intention to the surveyor of taxes for the district in which such person shall reside, on or before the said 5th of April 1846, and annexing to such notice a full, true, and complete return or list of the greatest number of articles chargeable with duty kept and retained or employed by such person under the 5th of April 1845, so that an assessment may be duly made for the year to commence from the 5th of April 1846 on all the articles chargeable for that year; and it shall be lawful for the commissioners to enter into composition *de novo* with the person giving the notice aforesaid, upon the amount of such assessment as aforesaid, with the additional duty chargeable thereon under this Act, as if such person had not compounded under the said former Acts.

X. That where any person who hath compounded under the said former Acts, and shall renew such composition under this Act, shall have kept or employed or used any taxable articles of a description allowed to be compounded for under this Act, but of a different description from those included in such his former composition, and for which articles he is or will be liable to be assessed for the year ending the 5th of April 1846, it shall be lawful for such person, upon being duly assessed for such articles not included in the renewed composition, to compound for the same by a separate and distinct contract, on the same terms and in the like manner as any person who hath not compounded under the said former Acts may enter into an original contract of composition under this Act.

XI. That every person entering into or renewing any composition under this Act shall be entitled to the like privileges of setting up or retaining, and keeping, using, or employing any additional articles of the same description, and chargeable under the same schedule and number of the schedule, or with the same or a lower rate of duty as the articles compounded for composing his establishment, and to and for his own use but not otherwise, as the persons compounding under the said former Acts are now by law entitled to, and shall be exempt from all assessments on such additional articles of his establishment during the term mentioned in such composition, save and except that no person who shall compound or renew any composition under this Act for any dog chargeable with a less rate of duty than 14s. shall be entitled to keep free of duty any hound, pointer, setting dog, spaniel, terrier, or lurcher; nor shall any person who shall have compounded for any dog or dogs other than hounds, and not for any hound, keep free of duty any hound; nor shall any person who shall have compounded for any less number of hounds than ten keep free of duty any additional number of hounds; neither shall any person keep free of duty any greyhound, unless he shall have compounded for a greyhound; in all which excepted cases, as well as in all cases where articles of any description excluded from composition by this Act shall be kept, retained, employed, or used, assessments and further or increased charges shall be made; and the penalties which may be incurred under any of the Acts relating to assessed taxes shall and may be sued for, prosecuted, and recovered according to the provisions of the said several Acts as fully and effectually as if no composition had been made or renewed under this Act.

XII. That it shall be lawful for every person who shall enter into or renew any composition under this Act in respect of any male person employed in any of the capacities described in and chargeable with duty under the said schedule marked (C.) No. 1. of the said respective Acts 48 Geo. 3. and 52 Geo. 3. to retain, keep, and employ free of duty any other male person or number of male persons employed in the same capacity, or in any other capacity chargeable with the same or any lower rate of duty, and allowed by this Act to be compounded for; and it shall be lawful for every person who shall enter into or renew any composition as aforesaid in respect of any carriage of whatever description chargeable with duty, and allowed by this Act to be compounded for, to set up, keep, and use free of duty any other carriage or number of carriages of the same description, or of any other description chargeable with the same or a lower rate of duty, and allowed to be compounded for as aforesaid; and it shall also be lawful for every person who shall enter into or renew any composition as aforesaid in respect of any horse chargeable with duty under the Schedule marked (E.) No. 1. of the said respective Acts to keep and use free of duty any additional number of horses chargeable with duty under the same schedule, or any horse or horses chargeable with any lower rate of duty, and allowed to be compounded for as aforesaid.

XIII. That where any person intending to compound under this Act is or shall be assessed for the year ending on the 5th of April 1846 in respect of any carriage with four wheels, and drawn by one horse only, or any carriage of whatever description chargeable with the same rate of duty as the last-mentioned carriage or a lower rate, and also where any person intending to renew any contract of composition now in force hath by such contract compounded for any such carriage as aforesaid, and where any such person in either of the cases aforesaid, after the 5th of April 1845, shall have set up, kept, or used, or shall intend to set up, keep, or use, any carriage chargeable with a higher rate of duty than that for which he shall have been so assessed or hath compounded as aforesaid, it shall be lawful for him, if he shall think fit, to compound or to renew his composition under this Act for a carriage at such higher rate, upon giving notice thereof in writing to the surveyor of

the division in which he shall reside within the time herein limited for giving notice of intention to compound, and thereupon such carriage at the higher rate of duty shall be substituted in the contract to be entered into under this Act for the making or renewal of such composition for and in lieu of one such carriage at the lower rate; and where any person who shall have entered into any contract for the making or renewal of any composition under this Act in respect of any carriage with four wheels, and drawn by one horse only, or any carriage of whatever description chargeable with the same rate of duty as such last-mentioned carriage or a lower rate, and such person at any time after the entering into such contract shall be desirous of setting up and keeping under such composition any carriage chargeable with a higher rate of duty, such person shall give notice thereof to the surveyor of the division in which he shall reside one calendar month at least before setting up or keeping or using such carriage chargeable with the higher rate of duty; and the said surveyor shall transmit such notice to the clerk of the commissioners acting for the said division, and such clerk shall cause to be indorsed upon each part of the contract of composition, and to be signed by two of the said commissioners, a certificate of such notice, and of the additional duty to be paid on such contract in that behalf; (that is to say,) there shall be payable thereon annually, during the remainder of the term of composition, the difference between the rate of duty chargeable on one such carriage which shall have been compounded for as aforesaid and the rate of duty chargeable on the carriage intended to be set up, kept, and used as aforesaid, together with the several additional per-centage rates of duty payable under the said contract, to be computed upon such difference; and such additional duties shall be payable for the whole year, commencing from the 5th of April next preceding the date of such indorsed certificate, and shall be paid during all the remainder of the term of composition by half-yearly instalments, and be collected, levied, and recovered in like manner as if the same had been comprised in the body of the said contract; and after such notice, and the indorsement of such certificate as aforesaid, it shall be lawful for the person compounding as aforesaid to set up, keep, and use any such carriage as aforesaid, with the like privileges and immunities during the remainder of the said term as he would have been entitled to if he had originally compounded in respect of such carriage chargeable at the higher rate of duty.

xiv. That every composition entered into or renewed under this Act with any person hereinafter described shall cease and determine at the respective times hereinafter mentioned; (that is to say,) if any person who shall compound or renew any composition under this Act shall afterwards come into possession of any estate, real or personal, or become entitled to the rents or profits of any estate, real or personal, upon the death of any person, whether by descent, devise, bequest, gift, or settlement, or under the statute for the distribution of estates of intestates, and shall thereupon or afterwards begin to keep any greater number of servants, carriages, horses, or other taxable articles of the description comprised in such composition, whereby the establishment of the person compounding, shall be increased, so that the duties which would be chargeable thereon under an assessment, if no such composition had been made, would exceed by one-fourth or more the amount of the duties payable under such composition, then and in every such case the composition entered into or renewed under this Act by any such person hereinbefore described shall cease and determine on the 5th of April next after any such increase of establishment shall take place; and if any person shall intermarry after entering into or renewing any composition under this Act, and shall by such marriage come into the possession or to the use or enjoyment of the rents or profits of any estate, real or personal, belonging to his wife before marriage, whether upon such marriage the husband shall acquire any interest in law or equity in such estate or not, or whether the said estate shall remain in or be vested to the sole use of the wife or not, in case the husband shall, upon or after such marriage, retain or keep any servants, carriages, horses, or other articles of the description aforesaid kept by or belonging to his wife before marriage, or in case the wife shall, after such marriage, retain her former establishment or any part thereof, or in case the husband or wife shall, upon or after such marriage, begin to keep any other servants, carriages, horses, or other articles of the description aforesaid, in lieu of the like articles of the establishment of the wife before marriage, so that the husband, if no composition had been entered into, would have been assessable to an amount of duty exceeding by one-fourth the amount of the duties payable under such composition, then and in such case the composition entered into or renewed under this Act by any such person so intermarrying as aforesaid shall cease and determine on the 5th of April next after such marriage shall take place, or such increased establishment shall begin to be kept: Provided always, that in all the several cases in which the composition is determined and made to cease by this Act for any of the respective causes aforesaid it shall be lawful for every such person as aforesaid, after he shall have made a *bona fide* return of the greatest number of servants, carriages, horses, and other articles for which he shall be chargeable with any duty of assessed taxes, in order to an assessment thereon for the year commencing on the 6th of April next after the determination of such composition, and upon being duly assessed for that year, to compound *de novo* for the remainder of the term limited by this Act then to come and unexpired on the amount so assessed on him in respect of such of the said articles as are allowed to be compounded for under this Act, together with the additional duty chargeable thereon under this Act, and as if such person had not before compounded.

xv. That no contract of composition shall be entered into or renewed under this Act with any married woman, and that every such contract which shall be entered into or renewed with any unmarried woman who shall afterwards marry shall cease and determine on the 5th of April next after her marriage.

xvi. That the several persons who for the time being shall be commissioners for putting in execution the Acts relating to assessed taxes shall be commissioners for putting in execution this Act, and the powers herein contained or referred to, in all and every the respective counties, ridings, divisions, shires, and stewardries, cities, boroughs, cinque ports, towns, and places in Great Britain; and the several assessors, collectors, surveyors, inspectors, and other officers for the time being appointed or to be appointed to put into execution the said Acts shall respectively be assessors, collectors, surveyors, inspectors, and officers to put in execution this Act within the limits of their respective divisions, districts, and places to which they are or shall be appointed; and the respective commissioners and other persons authorized by the said former Acts to contract and agree for compositions for assessed taxes, or to do or perform any other matter or thing for carrying the said Acts into execution, shall respectively contract and agree for the compositions to be entered into or renewed under this Act, and shall do and perform all such other matters and things as are required to be done and performed in the execution of this Act within the limits of their respective jurisdictions; and all powers, authorities, rules, regulations, directions, clauses, penalties,

matters, and things contained in any former Act or Acts relating to assessed taxes or to compositions for assessed taxes, and now in force, shall severally and respectively be construed and deemed to apply to the compositions to be made and renewed respectively under this Act, and shall, so far as the same shall be consistent with and shall not be superseded by the express provisions of this Act, be observed, applied, enforced, and put in execution with relation to the compositions to be made and renewed respectively under this Act, and for the raising, levying, paying, and accounting for the monies to arise under this Act, and for the prevention and punishment of fraud, imposition, and evasion in relation thereto, as fully and effectually to all intents and purposes as if such powers, authorities, rules, regulations, directions, clauses, penalties, matters and things had been herein repeated and specially enacted with reference to the compositions respectively to be made and renewed under this Act.

XVII. That every person intending to compound under this Act shall, on or before the 5th of April 1846, in England, and on or before the term of Whitsunday in the same year in Scotland, deliver or cause to be delivered, free of charge, to the surveyor of taxes for the division in which such person shall reside, a notice in writing in such form as shall be provided by the Commissioners of Stamps and Taxes in that behalf, declaring the intention of such person to compound, which notice shall be signed by such person (or by some authorized agent on his behalf residing in such division, and whose place of residence shall be specified in such notice) in the presence of one of the assessors or collectors of the said duties for the same parish or place where the person intending to compound shall reside, or in the presence of such surveyor, who respectively shall subscribe his name thereto as attesting such signature; and every such notice shall bear date on the day of signing the same, and shall contain a full, true, and complete return or list of the greatest number of servants, carriages, horses, and all other articles of his establishment chargeable with duty upon which he shall be entitled to compound under this Act, and which have been kept, retained, or employed by him at any time during the year commencing from the 5th of April 1844; and every person intending to renew his former composition under this Act shall, on or before the respective days or times hereinbefore limited for the delivery of such notices as aforesaid, deliver or cause to be delivered, in like manner, to such surveyor as aforesaid, the contract of his former composition, or a true copy or certificate thereof, under the hands of any two of the commissioners acting for the division in which such contract was entered into, together with a notice in such form as shall be provided by the said Commissioners of Stamps and Taxes in that behalf, and signed and attested in the manner hereinbefore directed with regard to notices of intention to compound, declaring the intention of such person to renew such former composition, and contain a full, true, and complete return or list of the greatest number of servants, carriages, horses, and other articles of his establishment chargeable with duty which shall have been kept and retained or employed by such person at any time during the year commencing from the 5th of April 1845.

XVIII. That every person who shall be assessed for any servants, carriages, horses, or other taxable articles, for the year ending the 5th of April 1846, in two or more divisions in Great Britain, or who shall be assessed for that year in a different division from that in which he resides, and who shall be desirous of compounding under this Act, shall deliver or cause to be delivered, in manner aforesaid, to the surveyor of taxes to whom he is by this Act required to give notice of his intention to compound, a certificate under the hand of the surveyor of the division, or of each division in which he shall be so assessed as aforesaid, containing the particulars of such assessment in every such division, according to such form as shall be provided by the Commissioners of Stamps and Taxes in that behalf.

XIX. That all such notices and contracts, or copies or certificates of contracts, and certificates of assessment, by this Act directed to be delivered to the surveyors of taxes by persons intending to compound or to renew any composition, may respectively be retained in the hands of the said surveyors respectively until the expiration of two calendar months after the delivery thereof; and every such surveyor shall carefully and diligently inspect and examine every assessment relating to the persons so applying to compound or to renew any composition as aforesaid, and every contract of composition entered into under the said former Acts by any such persons respectively, and also any notices which may have been delivered by such persons under the said Acts to discontinue any increased establishment set up under any such former contract; and after such examination thereof every such surveyor shall deliver all such notices and contracts, or copies or certificates of contracts, and certificates of assessment, to the clerks of the respective commissioners authorized by this Act to contract for such compositions, and for the renewal of such former compositions; and such surveyor shall also certify to the said commissioners either his satisfaction with the notices delivered in such cases, or his objection thereto, and the grounds of such objection, and the amount of duty on which every such composition ought to be made or renewed; and no composition shall be entered into or renewed in any of the cases so objected to until a full and complete return shall be made of every article chargeable with duty on which the composition ought to be made under the provisions of this Act; and every composition entered into or renewed contrary to the provisions of this Act shall be void and of no effect, and the person entering into or renewing the same shall be liable to assessment and to the charge of the respective surveyors, according to the provisions of the Acts in force relating to assessed taxes, as if no composition had been entered into or renewed.

XX. Provided and enacted, That where by any error or mistake the just amount of duty shall not be duly computed or inserted in the contract of composition, it shall be lawful for the Commissioners of Stamps and Taxes, by certificate under the hands of any two or more of them directed to the commissioners of the division by whom such contract shall have been made or allowed, to certify such error or mistake, and to direct the same to be amended or a new contract made and executed in such manner as may seem to the said Commissioners of Stamps and Taxes to be expedient to obviate such error or mistake, and conformable to the true intent and meaning of this Act; and the commissioners to whom such certificate shall be directed shall cause such contract to be amended or a new contract to be entered into accordingly.

XXI. That no contract for the making or renewing of any composition under this or any former Act shall be liable to any stamp duty.

XXII. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.



## SCHEDULE containing the Forms referred to in the foregoing Act.

CONTRACT of COMPOSITION for ASSESSED TAXES, under  
in the Parish of \_\_\_\_\_ in the Division of \_\_\_\_\_  
mentioned Duties; viz.

Vict. c. \_\_\_\_\_ entered into with \_\_\_\_\_ of \_\_\_\_\_  
in the County of \_\_\_\_\_, in respect of the under-

No.	Establishment.	Chargeable under	Amount of Duties.
			£. s. d.
	Servants . . . . .	Schedule (C.) No. 1. . . . .	
	Servants . . . . .	Schedule (C.) No. 3. . . . .	
	Under Gamekeepers . . . . .	59 Geo. 3. c. 118. s. 5. . . . .	
	Four-wheel Carriages . . . . .	Schedule (D.) No. 1. . . . .	
	Four-wheel Carriages drawn by One Horse . . . . .	1 Will. 4. c. 35. s. 4. . . . .	
	Four-wheel Carriages, with Wheels of less Diameter } than 30 Inches, and drawn by Ponies not exceeding } 13 Hands in Height . . . . .	1 Will. 4. c. 35. s. 4. . . . .	
	Two-wheel Carriages drawn by One Horse . . . . .	Schedule (D.) No. 2. . . . .	
	Two-wheel Carriages drawn by Two Horses . . . . .	Schedule (D.) No. 2. . . . .	
	Horses . . . . .	Schedule (E.) No. 1. . . . .	
	Horses . . . . .	Schedule (F.) No. 1. . . . .	
	Horses not exceeding 13 Hands in Height . . . . .	59 Geo. 3. c. 13. s. 3. . . . .	
	Race Horses . . . . .	5 & 6 Will. 4. c. 64. s. 15. . . . .	
	Dogs; viz., Hounds, Pointers, Setting Dogs, Spaniels, } Terriers, and Lurchers . . . . .	Schedule (G.) . . . . .	
	Greyhounds . . . . .	Schedule (G.) . . . . .	
	Other Dogs . . . . .	Schedule (G.) . . . . .	
	Hair Powder . . . . .	Schedule (I.) . . . . .	
	Armorial Bearings . . . . .	Schedule (K.) . . . . .	
	Composition Duty of 5 <i>l</i> . per Cent., under the Vict. c. _____		
	Additional 10 <i>l</i> . per Cent., under the 3 Vict. c. 17. . . . .		
	Total Annual Payment . . . . .	£	

We, the undersigned, Two of the Commissioners acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the Division of \_\_\_\_\_ aforesaid, have, by virtue and in pursuance of the said Act \_\_\_\_\_ Vict. c. \_\_\_\_\_ contracted and agreed with the above-named \_\_\_\_\_ for a Composition for the Duties of Assessed Taxes above specified for the term of Five Years, to be computed from the 5th Day of April 1846; and for such Composition the said \_\_\_\_\_ his Executors or Administrators, shall well and truly pay or cause to be paid to the Collectors of the Duties of Assessed Taxes for the said Parish of \_\_\_\_\_ or one of them, for the Use of Her Majesty, in each and every Year of the said Term, the Sum of \_\_\_\_\_ being the Amount of the Duties above stated, together with the several per-centage Rates granted by the several Acts of Parliament in that Behalf; and such Payment shall be made by Two equal half-yearly Instalments; viz.,

First Instalment on or before the 10th Day of October,  
Second Instalment on or before the 5th Day of April,  
in each and every Year of the Term aforesaid.  
Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 184\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
} Commissioners  
the Party hereto.

Witness to the signing by }  
the said Commissioners }

\_\_\_\_\_  
Clerk.

Witness to the signing by }  
the within-named Party }

\_\_\_\_\_  
Clerk.

RENEWED CONTRACT of COMPOSITION for ASSESSED TAXES, under Vict. c. entered into with of  
 in the Parish of in the Division of in the County of  
 in respect of the under-mentioned Duties; viz.

No.	Establishment.	Chargeable under	Amount of Duties.
			£. s. d.
	Servants . . . . .	Schedule (C.) No. 1. . . .	
	Servants . . . . .	Schedule (C.) No. 3. . . .	
	Under Gamekeepers . . . . .	59 Geo. 3. c. 118. s. 5. . .	
	Four-wheel Carriages . . . . .	Schedule (D.) No. 1. . . .	
	Four-wheel Carriages drawn by One Horse . . . . .	1 Will. 4. c. 35. s. 4. . . .	
	Four-wheel Carriages, with Wheels of less Diameter } than 30 Inches, and drawn by Ponies not exceeding } 13 Hands in Height . . . . .	1 Will. 4. c. 35. s. 4. . . .	
	Two-wheel Carriages drawn by One Horse . . . . .	Schedule (D.) No. 2. . . .	
	Two-wheel Carriages drawn by Two Horses . . . . .	Schedule (D.) No. 2. . . .	
	Horses . . . . .	Schedule (E.) No. 1. . . .	
	Horses . . . . .	Schedule (F.) No. 1. . . .	
	Horses not exceeding 13 Hands in Height . . . . .	59 Geo. 3. c. 13. s. 3. . . .	
	Race Horses . . . . .	5 & 6 Will. 4. c. 64. s. 15. .	
	Dogs; viz., Hounds, Pointers, Setting Dogs, Spaniels, } Terriers, and Lurchers . . . . .	Schedule (G.) . . . . .	
	Greyhounds . . . . .	Schedule (G.) . . . . .	
	Other Dogs . . . . .	Schedule (G.) . . . . .	
	Hair Powder . . . . .	Schedule (I.) . . . . .	
	Armorial Bearings . . . . .	Schedule (K.) . . . . .	
	Composition Duties; viz. [Specify the Amount, with the Rates per Cent., and the Acts under which the same are chargeable.]		
	Additional 104. per Cent., under the 3 Vict. c. 17. . . . .		
	Total Annual Payment . . . . .		£

We, the undersigned, Two of the Commissioners acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the Division of aforesaid, have, by virtue and in pursuance of the said Act Vict. c. contracted and agreed with the above-named for the Renewal of the Composition heretofore entered into by him, in pursuance of the Statutes in that Behalf, for the duties of Assessed Taxes above specified, and which Renewal we do hereby make for the Term of Five Years, to be computed from the 5th Day of April 1846; and for such Composition and Renewal the said his Executors or Administrators, shall well and truly pay or cause to be paid to the Collectors of the Duties of Assessed Taxes for the said Parish of or one of them, for the Use of Her Majesty, in each and every Year of the said Term, the sum of being the Amount of the Duties above stated, together with the several per-centage Rates granted by the several Acts of Parliament in that Behalf; and such Payment shall be made by Two equal half-yearly Instalments; viz.,  
 First Instalment on or before the 10th Day of October,  
 Second Instalment on or before the 5th Day of April,

in each and every Year of the Term aforesaid.

Dated this Day of 184

\_\_\_\_\_  
 \_\_\_\_\_ } Commissioners.  
 \_\_\_\_\_ the Party hereto.

Witness to the signing by )  
 the said Commissioners )  
 \_\_\_\_\_ Clerk.

Witness to the signing by )  
 the within-named Party )  
 \_\_\_\_\_ Clerk.

## CAP. XXXVII.—IRELAND.

AN ACT to regulate the Issue of Bank Notes in *Ireland*, and to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of *Ireland* for the Public Service.

(21st July 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Restriction on bankers by 21 & 22 Geo. 3. (Ireland) repealed.—Authorizing certain banking co-partnerships to carry on business in Dublin or within 50 miles thereof.*
2. *Interest at the rate of 3½ per centum per annum made payable to the Bank.*
3. *Bank shall manage the public debt of Ireland, and pay dividends without expense to Government.*
4. *Bank corporation may be dissolved on notice after 1st of January 1855.*
5. *Repeal of so much of 33 Geo. 2. c. 14. s. 15. (1.) as prohibits public officers from being partners in banks.*
6. *Bank of England notes not a legal tender in Ireland.—Proviso.*
7. *Oaths to be taken by directors, &c., of the Bank of Ireland.*
8. *Bankers claiming to be entitled to issue bank notes to give notice to Commissioners of Stamps and Taxes.—Commissioners to certify existing banks of issue and limitation of issue.—Prohibiting issue by uncertified bankers.*
9. *Provision for united banks.*
10. *Duplicate of certificate to be published in the Gazette.—Gazette to be evidence.*
11. *In case banks become united, Commissioners to certify the amount of bank notes which each bank was authorised to issue.*
12. *Banks entitled to the privilege of issuing notes may relinquish the same ;*
13. *But not resume the issue.*
14. *Limitation of bank notes in circulation.*
15. *Issue of notes for fractional parts of a pound prohibited.*
16. *Issuing banks to render accounts weekly.*
17. *What shall be deemed to be bank notes in circulation.*
18. *Commissioners of Stamps to make a monthly return.*
19. *Mode of ascertaining the average amount of bank notes of each banker in circulation, and gold coin, during the first four weeks after the 6th of December 1845.*
20. *What shall be taken in the account of coin held by any banker.—Silver coin not to exceed the proportion of one quarter of gold.*
21. *Commissioners of Stamps and Taxes empowered to cause the books of bankers, containing accounts of their bank notes in circulation, and of gold coin, to be inspected.—Penalty for refusing to allow such inspection.*
22. *All bankers to return their names once a year to the Stamp Office.*
23. *Penalty on banks issuing in excess.*
24. *Notes for less than 20s. not negotiable in Ireland.*
25. *Notes for 20s. and above, and less than 5l. to be drawn in certain form.*
26. *Penalty for persons other than bankers hereby authorized issuing notes payable on demand for less than 5l.*
27. *Penalty for persons other than bankers hereby authorized uttering or negotiating notes, bills of exchange, &c., transferable, for payment of 20s. or less than 5l.*
28. *Not to prohibit checks on bankers.*
29. *Mode of enforcing penalties.*
30. *Companies to sue and be sued in the names of their officers.*
31. *Provision in case of determination of existing agreement between Bank of Ireland and Tipperary Joint Stock Bank.*
32. *Interpretation of Act.*
33. *Alteration of Act.*

By this Act,

After reciting that by 21 & 22 Geo. 3. (I.) it was amongst other things enacted, that from and after the passing of that Act it should not be lawful for any body politic or corporate erected or to be erected, other than the corporation thereby intended to be created and erected into a national bank, or for any other persons whatsoever united or to be united in covenant or partnership exceeding the number of six persons, to borrow, owe, or take up any sum or sums of money on their bills or notes payable at demand, or at any less time than six months from the borrowing thereof, under a penalty or forfeiture by such persons, bodies politic or corporate, of treble the sum or sums so to be borrowed or taken upon such bill or bills, note or notes, one moiety thereof to be paid to the informer, and the other to the use of his Majesty, his heirs and successors, to be recovered by action of debt, bill, plaint, or information in any of his Majesty's courts of record at Dublin: And that, in pursuance of the powers in the said Act of Parliament contained, a charter of incorporation was granted to certain persons, by the name of the Governor and Company of the Bank of Ireland: And that by 1 & 2 Geo. 4. c. 72. it was enacted, that it might be lawful for any number of persons in Ireland united or to be united in society or partnership, and residing and having their establishments in houses of business at any place not less than fifty miles distant from Dublin, to borrow, owe, or take up any sum or sums of money on their bills or notes payable on demand, and to make and issue such notes or bills accordingly, payable on demand at any place in Ireland exceeding the distance of fifty miles from Dublin, all the individuals composing such societies or partnerships being liable and responsible for the due payment of such bills or notes; but nothing

therein contained was to extend or be construed to extend to authorize any persons exceeding six in number, or any bodies politic or corporate, residing or having their establishment or house of business within the distance of fifty miles from Dublin, to make or issue any bill or bills of exchange, or any promissory note or notes, contrary to the provisions of the said in part recited Act, 21 & 22 Geo. 3. (1.) : And that by 6 Geo. 4. c. 42, and by 11 Geo. 4. & 1 Will. 4. c. 32, such copartnerships of bankers established at places beyond the distance of fifty miles from Dublin were authorized to transact certain matters of business by agents in Dublin or within the distance of fifty miles thereof: And that the said governor and company at different times advanced, for the public service, to his Majesty King George the Third, the several sums of 600,000*l.*, 500,000*l.*, and 1,250,000*l.*, late Irish currency, and in respect thereof the said governor and company were entitled to certain annuities payable at the receipt of the Exchequer in Dublin: And that by 48 Geo. 3. c. 103. s. 10, it was amongst other things enacted, that at any time after the 1st of January 1837, upon twelve months' notice to be published in the *Dublin Gazette* by order of the Lord Lieutenant or other chief governor or governors of Ireland, the said corporation of the Bank was to be dissolved; and upon repayment by Parliament to the said Governor and Company of the Bank of Ireland, or their successors, of the said several sums of 600,000*l.*, 500,000*l.*, and 1,250,000*l.*, and also of all arrears of the several annuities payable in respect of the said three several capital sums, if any such arrear should then be due, or at any time previous to the said 1st of January 1837, upon like repayment by and with the desire and consent of the said governor and company, to be signified by them by their petition in writing sealed with their common seal, and addressed to the Lord Lieutenant or other chief governor or governors of Ireland for the time being, then and in such case the said several annuities should from and after the expiration of twelve months after such notice published, cease and determine, and the said corporation should be dissolved and that in pursuance of 1 & 2 Geo. 4. c. 72. the said Governor and Company of the Bank of Ireland advanced for the public service to His Majesty King George the Fourth the sum of 500,000*l.* late Irish currency, at interest, making, with the said three several sums of 600,000*l.*, 500,000*l.*, and 1,250,000*l.*, late Irish currency, previously advanced, the sum of 2,500,000*l.* equal to 2,630,769*l.* 4*s.* 8*d.* sterling money of the United Kingdom of Great Britain and Ireland: and that by 8 & 4 Vict. c. 75. it was amongst other things enacted, that from and after the passing of the said Act there should be paid and payable, but subject to the condition of redemption hereinafter contained, at the receipt of Her Majesty's Exchequer in Dublin, to the Governor and Company of the said Bank of Ireland, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, an interest or annuity of 115,384*l.* 12*s.* 4*d.* money of the United Kingdom, being a sum equal to the several annuities and interest theretofore payable in respect of the principal money due to the said governor and company as aforesaid, by two equal half-yearly payments, without any defalcation or abatement, on the 5th of January and the 5th of July in each year, the first payment of the said interest or annuity to be made on the 5th of January 1841; and it was by the last-mentioned Act further provided, that the said last-mentioned annuity should be redeemable at any time after the 1st of January 1841, on six months' notice to the said governor and company, and on repayment to them of the said several sums of 600,000*l.*, 500,000*l.*, 1,250,000*l.*, and 500,000*l.* late Irish currency, together with all arrears of the said annuity of 115,384*l.* 12*s.* 4*d.*; and that the last-mentioned annuity has, by consent of the said governor and company, been reduced to an annuity of 92,076*l.* 18*s.* 5*d.* of British currency; and that it is expedient that the exclusive privilege of banking granted to the said governor and company by the said recited Act, 21 & 22 Geo. 3. (1.) or by any other Act or Acts of Parliament now in force, should cease, but that the said governor and company should continue a corporation, with full power and authority to carry on the business of bankers, subject to the regulations hereinafter contained; and the said Governor and Company of the Bank of Ireland have agreed to continue the management in Ireland of so much of the public debt of the United Kingdom as shall for the time being require to be transacted in Ireland, and of all loans and other creations of stock which shall at any time be made in Ireland, and of any public annuities for lives or for years which may be payable in Ireland, free of all charge and expense whatever for such management, or for their trouble in the payment of the interest of the said public debt or annuities from time to time during the continuance of the said corporation under the provisions of this Act; and it hath been further agreed that the said governor and company shall continue to receive the said annuity of 92,076*l.* 18*s.* 5*d.*, being an annual interest at and after the rate of three and a half per centum per annum, for and in respect of the said capital sum of 2,630,769*l.* 4*s.* 8*d.*, and that the repayment of the last-mentioned sum shall be postponed till the expiration of six months after notice to be given by the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland to the said governor and company of their intention to pay off the same, or by the said governor and company to the said Commissioners of Her Majesty's Treasury requiring payment thereof, such notice not to be given by either party before the 1st of January 1855: and that by 7 & 8 Vict. c. 32. s. 10. it was enacted, that from and after the passing of that Act no person, other than a banker who, on the 6th of May 1844, was lawfully issuing his own bank notes, should make or issue bank notes in any part of the United Kingdom: and that it is expedient to regulate the issue of bank notes by the said Governor and Company of the Bank of Ireland, and by such other bankers as are now by law authorized to issue bank notes in Ireland:—

#### It is Enacted,

1. That from and after the 6th of December 1845, so much of the said recited Act, 21 & 22 Geo. 3. (1.) as prohibits any body politic or corporate erected or to be erected, other than the Governor and Company of the Bank of Ireland, or for any other persons whatsoever united or to be united in covenants or partnership exceeding the number of six persons, to borrow, owe, or take up any sum or sums of money on their bills or notes payable at demand, or at any less time than six months from the borrowing thereof, shall be and the same is hereby repealed; and that from and after the said 6th of December 1845, it shall and may be lawful for any persons exceeding six in number united or to be united in societies or partnerships, or for any bodies politic or corporate, to transact or carry on the business of bankers in Ireland at Dublin, and at every place within fifty miles thereof, as freely as persons exceeding six in number united as aforesaid may lawfully carry on the same business at any place in Ireland beyond the distance of fifty miles from Dublin: Provided always, that every member of any such society, partnership, bodies politic or corporate, shall be liable and responsible for the due payment of all the debts and liabilities of the corporation or copartnership of which such person shall be a member, any agreement, covenant, or contract to the contrary notwithstanding.

II. That from and after the passing of this Act the repayment of the said sum of 2,630,769*l.* 4*s.* 8*d.* shall be and the same is hereby made chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland until Parliament shall otherwise provide, and there shall be paid and payable, but subject to the condition of redemption hereinafter contained, at the receipt of Her Majesty's Exchequer in Dublin, to the Governor and Company of the said Bank of Ireland, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, in respect of the said capital sum of 2,630,769*l.* 4*s.* 8*d.* so now due by the public to the said governor and company, the aforesaid annuity of 92,076*l.* 18*s.* 5*d.* being an interest or annuity at and after the rate of 3*l.* 10*s.* per centum per annum, in the now lawful currency of the United Kingdom, by two equal half-yearly payments, without any defalcation or abatement, on the 5th of January and the 5th of July in each year.

III. That from and after the passing of this Act the said Governor and Company of the Bank of Ireland shall from time to time and at all times during the continuance of their charter, and until the said corporation shall be dissolved pursuant to the provisions of this Act, continue to manage and to pay all interest, annuities and dividends payable at the said Bank in respect of such part of the public debt as shall for the time being require to be transacted in Ireland, or in respect of any fund or stock created or to be created in consequence of any public loan, or funding of Exchequer bills, or conversion of stock in Ireland, or of any public annuities, whether for lives or for years, without making any charge to Her Majesty, her heirs, or successors, or to the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, for their trouble or expense in so doing, any law, usage, or custom to the contrary notwithstanding.

IV. That at any time after the 1st of January 1855, upon twelve months' notice, to be published in the *Dublin Gazette* by order of the Lord Lieutenant or other chief governor or governors of Ireland, that the said corporation of the Bank is to be dissolved, and upon repayment by Parliament to the said Governor and Company of the Bank of Ireland, or their successors, of the said sum of 2,630,769*l.* 4*s.* 8*d.*, together with all arrears of interest or annuity due in respect thereof, then and in such case the said interest or annuity shall from and after the expiration of twelve months after such notice published, cease and determine, and the said corporation shall be dissolved.

And after reciting that by 33 Geo. 2. c. 14. (1.) it was among other things enacted, that no person who by reason of any office, employment, deputation, or clerkship was then or should at any time thereafter be intrusted with the receipt, custody, or payment of public money, or any part of the public revenue of that kingdom, should, either singly or in partnership, so long as such person should continue in such office, employment, deputation, or clerkship, follow the trade or business of a banker, or by himself, or by any person authorized by him, issue or give any note or accountable receipt as a banker or in partnership with any banker, or for profit or reward discount any promissory note, or foreign or inland bill of exchange: and that it is expedient to repeal the said enactment;—

It is Enacted,

v. That from and after the passing of this Act so much of the last-mentioned Act as is herein recited shall be and the same is hereby repealed.

And after reciting that by an Act 3 & 4 Geo. 4. intituled, 'An Act for giving to the Corporation of the Governor and Company of the Bank of England certain Privileges for a limited Period, under certain Conditions,' it was enacted, that from and after the 1st of August 1834, unless and until Parliament should otherwise direct, a tender of a note or notes of the Governor and Company of the Bank of England expressed to be payable to bearer on demand should be a legal tender to the amount expressed in such note or notes, and should be taken to be valid as a tender to such amount for all sums above 5*l.*, on all occasions on which any tender of money may be legally made, so long as the Bank of England should continue to pay on demand their said notes in legal coin; provided always, that no such note or notes should be deemed a legal tender of payment by the Governor and Company of the Bank of England, or any branch bank of the said governor and company: And that doubts have arisen as to the extent of the said enactment; for removal whereof,—

It is Enacted and Declared,

VI. That nothing in the said last-recited Act contained shall extend or be construed to extend to make the tender of a note or notes of the Governor and Company of the Bank of England a legal tender in Ireland: Provided also, that nothing in this Act shall be construed to prohibit the circulation in Ireland of the notes of the Governor and Company of the Bank of England as heretofore.

VII. That from and after the passing of this Act it shall not be necessary for any governor, deputy governor, or director of the said Bank, before acting in the said several offices or trusts, to make and subscribe the declaration pursuant to the Act of Parliament passed in the kingdom of Ireland, intituled, 'An Act to prevent the further Growth of Popery,' nor to take any other oaths than the oath of allegiance, the oath of qualification by possession of stock, and the oath of fidelity to the corporation prescribed in and by the charter of incorporation of the governor and company of the said Bank, and that it shall not be necessary for any member of the said corporation, before voting in any general court, to make and subscribe the aforesaid declaration, nor to take any other oaths than the oaths of allegiance, the oath of qualification by the possession of stock, and the oath of fidelity to the said corporation provided in the said charter of incorporation: Provided always, that in case any of the persons called Quakers shall at any time be chosen governor, deputy governor, or director, or shall be or become a member of the said corporation, it shall be sufficient for such person or persons to make his or their solemn affirmation, to the purport and effect of the oaths prescribed by the said charter and by this Act to be taken by governors, deputy governors, directors, or members respectively of the said corporation.

VIII. That every banker claiming to be entitled to issue bank notes in Ireland shall, within one month next after the passing of this Act, give notice in writing to the Commissioners of Stamps and Taxes, at their head office in London, of such claim, and of the place and name and firm at and under which such banker has issued such notes in Ireland during the year next preceding the 1st of May 1845, and thereupon the said Commissioners shall ascertain if such banker was on the 6th of May 1844, and from thence up to the 1st of May 1845, carrying on the business of a banker, and lawfully issuing his own

bank notes in Ireland, and if it shall so appear, then the said Commissioners shall proceed to ascertain the average amount of the bank notes of such banker which were in circulation during the said period of one year preceding the 1st of May 1845, according to the returns made by such banker in pursuance of the Act, 4 & 5 Vict. c. 50, intituled, 'An Act to make further Provisions relative to the Returns to be made by Banks of the Amount of their Notes in Circulation,' and the said Commissioners, or any two of them, shall certify under their hands to such banker the average amount, when so ascertained as aforesaid, omitting the fractions of a pound, if any; and it shall be lawful for every such banker to continue to issue his own bank notes after the 6th of December 1845, to the extent of the amount so certified, and of the amount of the gold and silver coin held by such banker, in the proportion and manner hereinafter mentioned, but not to any further extent; and from and after the 6th of December 1845 it shall not be lawful for any banker to make or issue bank notes in Ireland, save and except only such bankers as shall have obtained such certificate from the Commissioners of Stamps and Taxes.

IX. Provided and enacted, That if it shall be made to appear to the Commissioners of Stamps and Taxes that any two or more banks have, by written contract or agreement (which contract or agreement shall be produced to the said Commissioners), become united within the year next preceding such 1st of May 1845, it shall be lawful for the said Commissioners to ascertain the average amount of the notes of each such bank in the manner hereinbefore directed, and to certify a sum equal to the average amount of the notes of the two or more banks so united as the amount which the united bank shall thereafter be authorized to issue, subject to the regulations of this Act.

X. That the Commissioners of Stamps and Taxes shall, at the time of certifying to any banker such particulars as they are hereinbefore required to certify, also publish a duplicate of their certificate thereof in the next succeeding *Dublin Gazette* in which the same may be conveniently inserted; and the *Gazette* in which such publication shall be made shall be conclusive evidence in all courts whatsoever of the amount of bank notes which the banker named in such certificate or duplicate is by law authorized to issue and to have in circulation as aforesaid, exclusive of an amount equal to the monthly average amount of the gold and silver coin held by such banker as herein provided.

XI. That in case it shall be made to appear to the Commissioners of Stamps and Taxes at any time hereafter that any two or more banks have, by written contract or agreement (which contract or agreement shall be produced to the said Commissioners), become united subsequently to the passing of this Act, it shall be lawful to the said Commissioners, upon the application of such united bank, to certify, in manner hereinbefore mentioned, the aggregate of the amount of bank notes which such separate banks were previously authorized to issue under the separate certificates previously delivered to them, and so from time to time; and every such certificate shall be published in manner hereinbefore directed; and from and after such publication the amount therein stated shall be and be deemed to be the limit of the amount of bank notes which such united bank may have in circulation, exclusive of an amount equal to the monthly average amount of the gold and silver coin held by such banker as herein provided.

XII. That it shall be lawful for any banker in Ireland who under the provisions of this Act is entitled to issue bank notes to contract and agree with the Governor and Company of the Bank of Ireland, by an agreement in writing, for the relinquishment of the privilege of issuing such notes in favour of the said governor and company, and in each such case a copy of such agreement shall be transmitted to the Commissioners of Stamps and Taxes; and the said Commissioners shall thereupon certify, in manner hereinbefore mentioned, the aggregate of the amount of bank notes which the Bank of Ireland and the banker with whom such agreement shall have been made were previously authorized to issue under the separate certificates previously delivered to them; and every such certificate shall be published in manner hereinbefore directed; and from and after such publication the amount therein stated shall be the limit of the amount of bank notes which the Governor and Company of the Bank of Ireland may have in circulation, exclusive of an amount equal to the amount of the gold and silver coin held by the Bank of Ireland as herein provided.

XIII. That it shall not be lawful for any banker who shall have so agreed to relinquish the privilege of issuing bank notes at any time thereafter to issue any such notes.

XIV. That from and after the 6th of December 1845 it shall not be lawful for any banker in Ireland to have in circulation, upon the average of a period of four weeks, to be ascertained as hereinafter mentioned, a greater amount of notes than an amount composed of the sums certified by the Commissioners of Stamps and Taxes as aforesaid, and the monthly average amount of gold and silver coin held by such banker during the same period of four weeks, to be ascertained in manner hereinafter mentioned.

XV. That all bank notes to be issued or re-issued in Ireland after the 6th of December 1845 shall be expressed to be for payment of a sum in pounds sterling, without any fractional parts of a pound; and if any banker in Ireland shall from and after that day make, sign, issue, or re-issue any bank note for the fractional part of a pound sterling, or for any sum together with the fractional part of a pound sterling, every such banker so making, signing, issuing, or re-issuing any such note as aforesaid shall for each note so made, signed, issued, or re-issued forfeit or pay the sum of 20*l*.

XVI. That every banker who after the 6th of December 1845 shall issue bank notes in Ireland shall, on some one day in every week after the 13th of December 1845 (such day to be fixed by the Commissioners of Stamps and Taxes), transmit to the said commissioners a just and true account of the amount of bank notes of such banker in circulation at the close of the business on the next preceding Saturday, distinguishing the notes of 5*l*. and upwards, and the notes below 5*l*. and also an account of the total amount of gold and silver coin held by such banker at each of the head offices or principal places of issue in Ireland of such banker at the close of business on each day of the week ending on that Saturday, and also an account of the total amount of gold and silver coin in Ireland held by such banker at the close of business on that day; and on completing the first period of four weeks, and so on completing each successive period of four weeks, every such banker shall annex to such account the average amount of bank notes of such banker in circulation during the said four weeks, distinguishing the bank notes of 5*l*. and upwards, and the notes below 5*l*, and the average amount of gold and silver coin respectively held by such banker at each of the head offices or principal places of issue in Ireland of such banker during the said

four weeks, and also the amount of bank notes which such banker is, by the certificate published as aforesaid, authorized to issue under the provisions of this Act; and every such account shall be verified by the signature of such banker or his chief cashier, or in the case of a company or partnership by the signature of the chief cashier or other officer duly authorized by the directors of such company or partnership, and shall be made in the form to this Act annexed marked (A.); and if any such banker shall neglect or refuse to render any such account in the form and at the time required by this Act, or shall at any time render a false account, such banker shall forfeit the sum of 100*l.* for every such offence.

xvii. That all bank notes shall be deemed to be in circulation from the time the same shall have been issued by any banker, or any servant or agent of such banker, until the same shall have been actually returned to such banker, or some servant or agent of such banker.

xviii. That from the returns so made by each banker to the Commissioners of Stamps and Taxes the said commissioners shall, at the end of the first period of four weeks after the said 6th of December 1845, and so at the end of each successive period of four weeks, make out a general return in the form to this Act annexed marked (B.) of the monthly average amount of bank notes in circulation of each banker in Ireland during the last preceding four weeks, and of the average amount of all the gold and silver coin held by such banker during the same period, and certifying, under the hand of any officer of the said commissioners duly authorized for that purpose in the case of each such banker, whether such banker has held the amount of coin required by law during the period to which the said return shall apply, and shall publish the same in the next succeeding *Dublin Gazette* in which the same can be conveniently inserted.

xix. That for the purpose of ascertaining the monthly average amount of bank notes of each banker in circulation, the aggregate of the amount of bank notes of each such banker in circulation at the close of the business on the Saturday in each week during the first complete period of four weeks next after the 6th of December 1845 shall be divided by the number of weeks, and the average so ascertained shall be deemed to be the average of bank notes of each such banker in circulation during such period of four weeks, and so in each successive period of four weeks; and the monthly average amount of gold and silver coin respectively held as aforesaid by such banker shall be ascertained in like manner from the amount of gold and silver coin held by such banker at the head offices or principal places of issue of such banker in Ireland, as after mentioned, at the close of business on such day in each week; and the monthly average amount of bank notes of each such banker in circulation during any such period of four weeks is not to exceed a sum made up by adding the amount certified by the Commissioners of Stamps and Taxes as aforesaid, and the monthly average amount of gold and silver coin held by such banker as aforesaid during the same period.

xx. That in taking account of the coin held by any banker in Ireland with respect to which bank notes to a further extent than the sum certified as aforesaid by the Commissioners of Stamps and Taxes may, under the provisions of this Act, be made and issued, there shall be included only the gold and silver coin held by such banker at the several head offices or principal places of issue in Ireland of such banker, such head offices or principal places of issue not exceeding four in number, of which not more than two shall be situated in the same province; and every banker shall give notice in writing to the said commissioners, on or before the 6th of December next, of such head offices or principal places of issue at which the account of gold and silver coin held by him is to be taken as aforesaid, and no amount of silver coin exceeding one-fourth part of the gold coin held by such banker as aforesaid shall be taken into account, nor shall any banker be authorized to make and issue bank notes in Ireland on any amount of silver coin held by such banker exceeding the proportion of one-fourth part of the gold coin held by such banker as aforesaid.

And after reciting that in order to insure the rendering of true and faithful accounts of the amount of bank notes in circulation, and the amount of gold and silver coin held by each banker, as directed by this Act, it is necessary that the Commissioners of Stamps and Taxes should be empowered to cause the books of bankers issuing such notes, and the amount of gold and silver coin held by such bankers as aforesaid, to be inspected as hereinafter mentioned:—

It is Enacted,

xxi. That all and every the book and books of any banker who shall issue bank notes under the provisions of this Act, in which shall be kept, contained, or entered any account, minute, or memorandum of or relating to the bank notes issued or to be issued by such bank, or of relating to the amount of such notes in circulation from time to time, or of or relating to the gold or silver coin held by such banker from time to time, or any account, minute, or memorandum the sight or inspection whereof may tend to secure the rendering of true accounts of the average amount of such notes in circulation and gold or silver coin held as directed by this Act, or to test the truth of any such account, shall be open for the inspection and examination at all reasonable times of any officer of stamp duties authorized in that behalf by writing signed by the Commissioners of Stamps and Taxes, or any two of them; and every such officer shall be at liberty to take copies of or extracts from any such book or account as aforesaid, and to inspect and ascertain the amount of any gold or silver coin held by such banker; and if any banker or other person keeping any such book, or having the custody or possession thereof or power to produce the same, shall, upon demand made by any such officer shewing (if required) his authority in that behalf, refuse to produce any such book to such officer for his inspection and examination, or to permit him to inspect and examine the same, or take copies thereof or extracts therefrom, or of or from any such account, minute, or memorandum as aforesaid, kept, contained, or entered therein, or if any banker or other person having the custody or possession of any coin belonging to such banker shall refuse to permit or prevent the inspection of such gold and silver coin as aforesaid, every such banker or other person so offending shall for every such offence forfeit the sum of 100*l.*: Provided always, that the said commissioners shall not exercise the powers aforesaid without the consent of the Commissioners of Her Majesty's Treasury.

xxii. That every banker in Ireland, other than the Bank of Ireland, who is now carrying on or shall hereafter carry on business as such, shall on the 1st of January in each year, or within fifteen days thereafter, make a return to the Commissioners of Stamps and Taxes, at their office in Dublin, of his name, residence, and occupation, or in case of a company or partnership, of the name, residence, and occupation of every person composing or being a member of such company or part-

nership, and also the name of the firm under which such banker, company, or partnership carry on the business of banking, and of every place where such business is carried on; and if any such banker shall omit or refuse to make such return within fifteen days after the said 1st of January, or shall wilfully make other than a true return of the persons as herein required, every banker so offending shall forfeit or pay the sum of 50*l.*; and the said Commissioners of Stamps and Taxes shall on or before the 1st of March in every year publish in the *Dublin Gazette* a copy of the return so made by every banker.

XXIII. That if the monthly average circulation of bank notes of any banker, taken in the manner herein directed, shall at any time exceed the amount which such banker is authorized to issue and to have in circulation under the provisions of this Act, such banker shall in every such case forfeit a sum equal to the amount by which the average monthly circulation, taken as aforesaid, shall have exceeded the amount which such banker was authorized to issue and to have in circulation as aforesaid.

XXIV. That all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or transferable, for the payment of any sum or sums of money, or any orders, notes, or undertakings in writing, being negotiable or transferable, for the delivery of any goods, specifying their value in money less than the sum of 20*s.* in the whole, heretofore made or issued, or which shall hereafter be made or issued in Ireland, shall, from and after the 1st of January 1846, be and the same are hereby declared to be absolutely void and of no effect, any law, statute, usage, or custom to the contrary thereof in anywise notwithstanding; and that if any person or persons shall, after the 1st of January 1846, by any art, device, or means whatsoever, publish or utter in Ireland any such notes, bills, drafts, or engagements, as aforesaid, for a less sum than 20*s.*, or on which less than the sum of 20*s.* shall be due, and which shall be in anywise negotiable or transferable, or shall negotiate or transfer the same in Ireland, every such person shall forfeit and pay for every such offence any sum not exceeding 20*l.* nor less than 5*l.*, at the discretion of the Justice of the Peace who shall hear and determine such offence.

XXV. That all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or transferable, for the payment of 20*s.*, or any sum of money above that sum and less than 5*l.*, or on which 20*s.* or above that sum and less than 5*l.*, shall remain undischarged, and which shall be issued within Ireland at any time after the 1st of January 1846, shall specify the names and places of abode of the persons respectively to whom or to whose order the same shall be made payable, and shall bear date before or at the time of drawing or issuing thereof, and not on any day subsequent thereto, and shall be made payable within the space of twenty-one days next after the date thereof, and shall not be transferable or negotiable after the time hereby limited for payment thereof, and that every indorsement to be made thereon shall be made before the expiration of that time, and to bear date at or not before the time of making thereof, and shall specify the name and place of abode of the person or persons to whom or to whose order the money contained in every such note, bill, draft, or undertaking is to be paid; and that the signing of every such note, bill, draft, or undertaking, and also of every such indorsement, shall be attested by one subscribing witness at the least; and which said notes, bills of exchange, or drafts, or undertakings in writing, may be made or drawn in words to the purport or effect as set out in the schedules to this Act annexed marked (D.) and (E.); and that all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or transferable, for the payment of 20*s.*, or any sum of money above that sum and less than 5*l.*, or in which 20*s.*, or above that sum and less than 5*l.*, shall remain undischarged, and which shall be issued in Ireland at any time after the said 1st of January 1846, in any other manner than as aforesaid, and also every indorsement on any such note, bill, draft, or other undertaking to be negotiated under this Act, other than as aforesaid, shall and the same are hereby declared to be absolutely void, any law, statute, usage, or custom to the contrary thereof in anywise notwithstanding; provided that nothing in this clause contained shall be construed to extend to any such bank notes as shall be lawfully issued by any banker in Ireland authorized by this Act to continue the issue of bank notes.

XXVI. That if any body politic or corporate or any person or persons shall, from and after the said 1st of January 1846 make, sign, issue, or re-issue in Ireland any promissory note payable on demand to the bearer thereof for any sum of money less than the sum of 5*l.*, except the bank notes of such bankers as are hereby authorized to continue to issue bank notes as aforesaid, then and in either of such cases every such body politic or corporate or person or persons so making, signing, issuing, or re-issuing any such promissory note as aforesaid except as aforesaid, shall for every such note so made, signed, issued, or re-issued forfeit the sum of 20*l.*

XXVII. That if any body politic or corporate or person or persons shall, from and after the passing of this Act, publish, utter, or negotiate in Ireland any promissory or other note (not being the bank note of a banker hereby authorized to continue to issue bank notes), or any bill of exchange, draft, or undertaking in writing, being negotiable or transferable for the payment of 20*s.*, or above that sum and less than 5*l.*, or on which 20*s.*, or above that sum and less than 5*l.*, shall remain undischarged, made, drawn, or indorsed in any other manner than as is hereinbefore directed, every such body politic or corporate or person or persons so publishing, uttering, or negotiating any such promissory or other note, (not being such bank note as aforesaid), bill of exchange, draft or undertaking in writing as aforesaid, shall forfeit and pay the sum of 20*l.*

XXVIII. Provided and enacted, That nothing herein contained shall extend to prohibit any draft or order drawn by any person on his banker, or on any person acting as such banker, for the payment of money held by such banker or person to the use of the person by whom such draft or order shall be drawn.

XXIX. That all pecuniary penalties under this Act may be sued or prosecuted for and recovered for the use of Her Majesty, in the name of Her Majesty's Attorney General or Solicitor General in Ireland, or of the Solicitor of Stamps in Ireland, or of any person authorized to sue or prosecute for the same, by writing under the hands of the Commissioners of Stamps and Taxes, or in the name of any officer of stamp duties, by action of debt, bill, plaint, or information in the Court of Exchequer in Dublin, or by civil bill in the court of the recorder, chairman, or assistant barrister within whose local jurisdiction any offence shall have been committed, in respect of any such penalty, or in respect of any penalty not exceeding 20*l.*, by information or complaint before one or more Justice or Justices of the Peace in Ireland, in such and the same manner as any other penalties imposed by any of the laws now in force relating to the duties under the management of the Commissioners of Stamps; and it shall be lawful in all cases for the Commissioners of Stamps and Taxes, either before or after any proceedings commenced for recovery



of any such penalty, to mitigate or compound any such penalty, as the said Commissioners shall think fit, and to stay any such proceedings after the same shall have been commenced, and whether judgment may have been obtained for such penalty or not, on payment of part only of any such penalty, with or without costs, or on payment only of the costs incurred in such proceedings, or of any part thereof, or on such other terms as such Commissioners shall judge reasonable: Provided always, that in no such proceedings as aforesaid shall any essoign, protection, wager of law, nor more than one imparlance be allowed; and all pecuniary penalties imposed by or incurred under this Act, by whom or in whose name soever the same shall be sued or prosecuted for or recovered, shall go and be applied to the use of Her Majesty, and shall be deemed to be and shall be accounted for as part of Her Majesty's revenue arising from stamp duties, anything in any Act contained, or any law or usage, to the contrary in anywise notwithstanding: Provided always, that it shall be lawful for the Commissioners of Stamps and Taxes at their discretion to give all or any part of such penalties as rewards to any person or persons who shall have detected the offenders, or given information which may have led to their prosecution and conviction.

xxx. That after the passing of this Act every company or copartnership of more than six persons established before the passing of this Act, for the purpose of carrying on the trade or business of bankers within the distance of fifty miles from Dublin, shall have the same powers and privileges of suing and being sued, and of presenting petitions to found sequestrations or flats in bankruptcy, in the name of any one of the public officers of such company or copartnership, as the nominal plaintiff, petitioner, or defendant, on behalf of such company or copartnership, as are provided with respect to companies carrying on the said trade or business at any place in Ireland exceeding the distance of fifty miles from Dublin, under the provisions of an Act, 6 Geo. 4. c. 42, intituled 'An Act for the better Regulation of Copartnerships of certain Bankers in Ireland;' and all judgments, decrees, and orders made and obtained in any action, suit, or other proceeding brought, instituted, or carried on by or against any such company or copartnership carrying on business within the distance of fifty miles from Dublin, in the name of their public officer, shall have the same effect and operation, and may be enforced in like manner in all respects, as is provided in and by the last-mentioned Act with respect to the judgments, decrees, and orders therein mentioned; provided that every such company or copartnership as last aforesaid shall make out and deliver from time to time to the Commissioners of Stamps and Taxes the several accounts or returns required by the last-mentioned Act; and all the provisions of the last-mentioned Act as to such accounts or returns shall be taken to apply to the accounts or returns so made out and delivered by the said last-mentioned companies, as if they had been originally included in the provisions of the last-mentioned Act.

And after reciting that a certain joint-stock banking company, called and known as "The Tipperary Joint Stock Bank," refrained from issuing its own bank notes, under a certain agreement with the Governor and Company of the Bank of Ireland for the issue of the bank notes of the said governor and company, which agreement is determinable by either party upon certain notice to the other party, and it is just that in case such agreement should at any time hereafter during the continuance of this Act be determined and put an end to by the Governor and Company of the Bank of Ireland, that the said Tipperary Joint Stock Bank should receive by way of compensation such composition as hereafter mentioned:—

It is therefore Enacted,

xxx. That if the said agreement shall be at any time hereafter during the continuance of this Act determined or put an end to by the Governor and Company of the Bank of Ireland, then and in such case the said governor and company shall from the termination of the said agreement pay and allow to the said Tipperary Joint Stock Bank, so long as the latter shall continue to carry on the business of a bank and to issue exclusively the notes of the Governor and Company of the Bank of Ireland, a composition at and after the rate of 11. per centum per annum on the average annual amount of the Bank of Ireland notes issued by the said Tipperary Joint Stock Bank, and kept in circulation, such average annual amount to be ascertained by the Bank of Ireland in the manner provided for regulating the compensation to be made to certain bankers by the Bank of England in and by the Act, 7 & 8 Vict. c. 32, intituled 'An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of England certain Privileges for a limited Period:' Provided always, that the total sum payable to the Tipperary Joint Stock Bank by way of composition as aforesaid in any one year shall not exceed 11. per cent on an amount that hath been agreed on by and between the Bank of Ireland and the Tipperary Joint Stock Bank, and certified by both banks to the Commissioners of Stamps and Taxes; and such composition shall cease to be payable from and after the 1st of January 1856.

xxxii. That the term "Bank Note" used in this Act shall extend and apply to all bills or notes for the payment of money to the bearer on demand; and that the term "Banker" shall, when the Bank of Ireland be not specially excepted, extend and apply to the Governor and Company of the Bank of Ireland, and to all other corporations, societies, partnerships, and persons, and every individual person carrying on the business of banking, whether by the issue of bank notes or otherwise; and that the word "Coin" shall be construed to mean the coin of this realm; and that the word "Person" used in this Act shall include corporations; and that the singular number used in this Act shall include the plural number, and the plural number the singular, except where there is anything in the context repugnant to such construction; and that the masculine gender in this Act shall include the feminine, except where there is anything in the context repugnant to such construction.

xxxiii. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

#### SCHEDULES referred to in the foregoing Act.

##### SCHEDULE (A.)

Name and Title set forth in Licence	_____	Bank.
Name of the Firm	_____	Firm.
Head Offices or principal Places of Issue	_____	Place.

Amount of Notes in Circulation on Saturday the	day of	{ £5 and upwards . . . £
		{ Under £5 . . . £
		<hr/>
		TOTAL . . . £

**AMOUNT of GOLD and SILVER COIN held at the head Office or principal Place of Issue at the Close of Business on—**

	Head Office at		Head Office at		Head Office at		Head Office at	
	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.
Monday the								
Tuesday the								
Wednesday the								
Thursday the								
Friday the								
Saturday the								

TOTAL AMOUNT of COIN held at the Close of Business on Saturday the		day of	18 .
Gold	£		
Silver	£		
TOTAL	£		

[To be inserted in the Account at the End of each Period of Four Weeks.]

Amount of Notes authorized by Certificate	£	2
Average Amount of Notes in Circulation during the Four Weeks ending } £5 and upwards	£	2
as above } Under £5	£	2
Average Amount of Coin held during the said Four Weeks	{ Gold	£
	{ Silver	£
	TOTAL -	£

I, \_\_\_\_\_, being the [Banker, Chief Cashier, Director, or Partner, as the Case may be], do hereby certify, that the above is a true Account of the Notes in Circulation, and of the Coin held by the said Bank, as required under the Act 8 & 9 Vict. c. . .

Dated this                      day of                      18 .

(Signed) \_\_\_\_\_

**SCHEDULE (B.)**

[illegible]

I hereby certify, That each of the Bankers named in the above Return who have in Circulation an Amount of Notes beyond that authorized in their Certificate [with the Exception of *A.B. or C.D. as the Case may be.*] have held an Amount of Gold and Silver Coin not less than that which they are required to hold during the Period to which this Return relates.

Dated this                  Day of                  18                  .                  (Signed) \_\_\_\_\_ Officer of Stamp Duties.

**SCHEDULE (D.)**

[Place]                      [Day]                      [Month]                      [Year]

Twenty-one Days after Date I promise to pay to *A.B.* of [Place], or his Order, the Sum of \_\_\_\_\_ for Value received by \_\_\_\_\_

Witness, *E.F.*                      C. D.

*And the Endorsement, toties quoties.*

[Day]                      [Month]                      [Year]

Pay the Contents to *G.H.* of [Place], or his Order.

Witness, *J.K.* *A.B.*

**SCHEDULE (E.)**

[Place]                      [Day]                      [Month]                      [Year]

Twenty-one Days after Date pay to *A.B.* of [Place], or his Order, the Sum of Value received, as  
advised by  
To *E.F.* of [Place]. C.D.  
Witness, *G.H.*

*And the Endorsement, toties quoties.*

[Day]                      [Month]                      [Year]

Pay the Contents to J.K. of [Place], or his Order.

Witness, L.M. A.B.

## САР. XXXVIII.

**AN ACT to regulate the Issue of Bank Notes in *Scotland*.**

(21st July 1845.)

### ABSTRACT OF THE ENACTMENTS.

1. Bankers claiming to be entitled to issue bank notes to give notice to Commissioners of Stamps and Taxes.—Commissioners to certify existing banks of issue and limitation of issue.
2. Provision for united banks.
3. Duplicate of certificate to be published in the Gazette.—Gazette to be evidence.
4. In case banks become united, Commissioners to certify the amount of bank notes which each bank was authorized to issue.
5. Issue of notes for fractional parts of a pound prohibited.
6. Limitation of bank notes in circulation.
7. Issuing banks to render accounts weekly.
8. What shall be deemed to be bank notes in circulation.
9. Commissioners of Stamps and Taxes to make a monthly return.
10. Mode of ascertaining the average amount of bank notes of each banker in circulation and gold coin, during the first four weeks after 31st of December 1845.
11. In taking the account of coin held by bankers, silver coin not to exceed the proportion of one-fourth of gold.
12. Commissioners of Stamps and Taxes empowered to cause the books of bankers containing accounts of their bank notes in circulation, and of gold coin, to be inspected.—Penalty for refusing to allow such inspection.
13. All bankers to return their names once a year to the Stamp Office.
14. Penalty on banks issuing in excess.
15. Bank of England notes not a legal tender in Scotland.—Proviso.
16. Notes for less than 20s. not negotiable in Scotland.
17. Notes of 20s. or above, and less than 5l. to be drawn in certain form.
18. Penalty for persons, other than bankers hereby authorized, issuing notes payable on demand for less than 5l.
19. Penalty for persons, other than bankers hereby authorized, uttering or negotiating notes, bills of exchange, &c. transferable, for payment of 20s. or less than 5l.

20. *Not to prohibit checks on bankers.*

21. *Modes of recovering penalties.*

22. *Interpretation of Act.*

23. *Alteration of Act.*

By this Act,

After reciting that by 7 & 8 Vict. c. 32. s. 10. it was enacted, that from and after the passing of that Act no person, other than a banker who on the 6th of May 1844 was lawfully issuing his own bank notes should make or issue bank notes in any part of the United Kingdom: and that it is expedient to regulate the issue of bank notes by such bankers as are now by law authorized to issue the same in Scotland:—

It is Enacted,

I. That every banker claiming to be entitled to issue bank notes in Scotland shall, within one month next after the passing of this Act, give notice in writing to the Commissioners of Stamps and Taxes, at their head office in London, of such claim, and of the place and name and firm at and under which such banker has issued such notes in Scotland during the year next preceding the 1st of May 1845, and thereupon the said commissioners shall ascertain if such banker was on the 6th of May 1844, and from thence up to the 1st of May 1845, carrying on the business of a banker and lawfully issuing his own bank notes in Scotland, and if it shall so appear then the said commissioners shall proceed to ascertain the average amount of the bank notes of such banker which were in circulation during the said period of one year preceding the 1st of May 1845, according to the returns made by such banker in pursuance of the Act, 4 & 5 Vict. c. 50, intituled, 'An Act to make further Provision relative to the Returns to be made by Banks of the Amount of their Notes in Circulation;' and the said commissioners, or any two of them, shall certify under their hands to such banker the average amount when so ascertained as aforesaid, omitting the fractions of a pound, if any; and it shall be lawful for every such banker to continue to issue his own bank notes after the 6th of December 1845, to the extent of the amount so certified, and of the amount of gold and silver coin held by such banker at the head office, or principal place of issue of such banker, in the proportion and manner hereinafter mentioned, but not to any further extent; and from and after the 6th of December 1845, it shall not be lawful for any banker to make or issue bank notes in Scotland, save and except only such bankers as shall have obtained such certificate from the Commissioners of Stamps and Taxes.

II. Provided and enacted, That if it shall be made to appear to the Commissioners of Stamps and Taxes that any two or more banks have by written contract or agreement (which contract or agreement shall be produced to the said commissioners) become united within the year next preceding such 1st of May 1845, it shall be lawful for the said commissioners to ascertain the average amount of the notes of each such bank in the manner hereinbefore directed, and to certify a sum equal to the average amount of the notes of the two or more banks so united, as the amount which the united bank shall thereafter be authorized to issue, subject to the regulations of this Act.

III. That the Commissioners of Stamps and Taxes shall, at the time of certifying to any banker such particulars as they are hereinbefore required to certify, also publish a duplicate of their certificate thereof in the next succeeding *London Gazette* in which the same may be conveniently inserted; and the Gazette in which such publication shall be made shall be conclusive evidence in all courts whatsoever of the amount of bank notes which the banker named in such certificate or duplicate is by law authorized to issue and to have in circulation as aforesaid, exclusive of an amount equal to the monthly average amount of the gold and silver coin held by such banker as herein provided.

IV. That in case it shall be made to appear to the Commissioners of Stamps and Taxes, at any time hereafter, that any two or more banks have by written contract or agreement (which contract or agreement shall be produced to the said commissioners) become united subsequently to the passing of this Act, it shall be lawful to the said commissioners, upon the application of such united bank, to certify in manner hereinbefore mentioned the aggregate of the amount of bank notes which such separate banks were previously authorized to issue under the separate certificates previously delivered to them, and so from time to time; and every such certificate shall be published in manner hereinbefore directed, and from and after such publication the amount therein stated shall be and be deemed to be the limit of the amount of bank notes which such united bank may have in circulation, exclusive of an amount equal to the monthly average amount of the gold and silver coin held by such bank, as herein provided.

V. That all bank notes to be issued or re-issued in Scotland shall be expressed to be for payment of a sum in pounds sterling, without any fractional parts of a pound; and if any banker in Scotland shall, from and after the 6th of December 1845, make, sign, issue, or re-issue any bank note for the fractional part of a pound sterling, or for any sum together with the fractional part of a pound sterling, every such banker so making, signing, issuing, or re-issuing any such note as aforesaid shall for each note so made, signed, issued, or re-issued forfeit or pay the sum of 20*l*.

VI. That from and after the 6th of December 1845 it shall not be lawful for any banker in Scotland to have in circulation, upon the average of a period of four weeks, to be ascertained as hereinafter mentioned, a greater amount of notes than an amount composed of the sum certified by the Commissioners of Stamps and Taxes as aforesaid, and the monthly average amount of gold and silver coin held by such banker at the head office or principal place of issue of such banker during the same period of four weeks, to be ascertained in manner hereinafter mentioned.

VII. That every banker who after the 6th of December 1845 shall issue bank notes in Scotland shall, on some one day in every week after the 13th of December 1845 (such day to be fixed by the Commissioners of Stamps and Taxes) transmit to the said commissioners a just and true account of the amount of bank notes of such banker in circulation at the close of the business on the next preceding Saturday, distinguishing the notes of 5*l*. and upwards, and the notes below 5*l*., and also an

account of the total amount of gold and silver coin held by such banker at the head office or principal place of issue in Scotland of such banker at the close of business on each day of the week ending on the same Saturday, and also an account of the total amount of gold and silver coin in Scotland held by such banker at the close of business on that day; and on completing the first period of four weeks, and so on completing each successive period of four weeks, every such banker shall annex to such account the average amount of bank notes of such banker in circulation during the said four weeks, distinguishing the bank notes of 5*l.* and upwards and the notes below 5*l.*, and the average amount of gold and silver coin respectively held by such banker at the head office or principal place of issue in Scotland of such banker during the said four weeks, and also the amount of bank notes which such banker is, by the certificates published as aforesaid in the *London Gazette*, authorized to issue under the provisions of this Act; and every such account shall specify the head office or principal places of issue in Scotland of such banker, and shall be verified by the signature of such banker or his chief cashier, or in case of a company or partnership by the signature of the chief cashier or other officer duly authorized by the directors of such company or partnership, and shall be made in the form to this Act annexed marked (A.); and if any such banker shall neglect or refuse to render any such account in the form and at the time required by this Act, or shall at any time render a false account, such banker shall forfeit the sum of 100*l.* for every such offence.

VIII. That all bank notes shall be deemed to be in circulation from the time the same shall have been issued by any banker, or any servant or agent of such banker, until the same shall have been actually returned to such banker, or some servant or agent of such banker.

IX. That from the returns so made by each banker to the Commissioners of Stamps and Taxes the said commissioners shall, at the end of the first period of four weeks after the said 6th of December 1845, and so at the end of each successive period of four weeks, make out a general return in the form to this Act annexed marked (B.) of the monthly average amount of bank notes in circulation of each banker in Scotland during the last preceding four weeks, and of the average amount of all the gold and silver coin held by such banker, and certifying under the hand of any officer of the said commissioners duly authorized for that purpose, in the case of each such banker, whether such banker has held the amount of coin required by law during the period to which the said return shall apply, and shall publish the same in the next succeeding *London Gazette* in which the same can be conveniently inserted.

X. That for the purpose of ascertaining the monthly average amount of bank notes of each banker in circulation, the aggregate of the amount of bank notes of each such banker in circulation at the close of the business on Saturday of each week during the first complete period of four weeks next after the 6th of December 1845 shall be divided by the number of weeks, and the average so ascertained shall be deemed to be the average of bank notes of each such bank in circulation during such period of four weeks, and so in each successive period of four weeks; and the monthly average amount of gold and silver coin respectively held as aforesaid by such banker shall be ascertained in like manner from the amount of gold and silver coin held by such banker at the head office or principal place of issue in Scotland of such banker at the close of business on Saturday in each week during the same period; and the monthly average amount of bank notes of each such banker in circulation during any such period of four weeks is not to exceed a sum made up by adding the amount certified by the Commissioners of Stamps and Taxes as aforesaid and the monthly average amount of gold and silver coin held by such banker as aforesaid during the same period.

XI. That in taking account of the coin held by any such banker as aforesaid, with respect to which bank notes to a further extent than the sum certified as aforesaid by the Commissioners of Stamps and Taxes may, under the provisions of this Act, be made and issued, no amount of silver coin exceeding one-fourth part of the gold coin held by such banker as aforesaid shall be taken into account, nor shall any banker be authorized to make and issue bank notes in Scotland on any amount of silver coin held by such banker exceeding the proportion of one-fourth part of the gold coin held by such banker as aforesaid.

And after reciting that in order to insure the rendering of true and faithful accounts of the amount of bank notes in circulation, and the amount of gold and silver coin held by each banker, as directed by this Act, it is necessary that the Commissioners of Stamps and Taxes should be empowered to cause the books of bankers issuing such notes, and the gold and silver coin held by such bankers as aforesaid, to be inspected as hereinafter mentioned:—

It is Enacted,

XII. That all and every the book and books of any banker who shall issue bank notes under the provisions of this Act, in which shall be kept, contained, or entered any account, minute, or memorandum of or relating to the bank notes issued or to be issued by such banker, or of or relating to the amount of such notes in circulation from time to time, or of or relating to the gold and silver coin held by such banker from time to time, or any account, minute, or memorandum the sight or inspection whereof may tend to secure the rendering of true accounts of the average amount of such notes in circulation and gold and silver coin held as directed by this Act, or to test the truth of any such account, shall be open for the inspection and examination at all seasonable times of any officer of stamp duties authorized in that behalf by writing signed by the Commissioners of Stamps and Taxes, or any two of them; and every such officer shall be at liberty to take copies of or extracts from any such book or account as aforesaid, and to inspect and ascertain the amount of any gold or silver coin held by such banker; and if any banker or other person keeping any such book, or having the custody or possession thereof or power to produce the same, shall upon demand made by any such officer shewing (if required) his authority in that behalf, refuse to produce any such book to such officer for his inspection and examination, or to permit him to inspect and examine the same, or to take copies thereof or extracts therefrom, or of or from any such account, minute, or memorandum as aforesaid, kept, contained, or entered therein, or if any banker or other person having the custody or possession of any coin belonging to such banker shall refuse to permit or prevent the inspection of such gold and silver coin as aforesaid, every such banker or other person so offending shall for every such offence forfeit the sum of 100*l.*: Provided always, that the said Commissioners shall not exercise the powers aforesaid without the consent of the Commissioners of Her Majesty's Treasury.

XIII. That every banker in Scotland who is now carrying on or shall hereafter carry on business as such, other than the Bank of Scotland, the Royal Bank of Scotland, and the British Linen Company, shall, on the 1st of January in each year, or within fifteen days thereafter, make a return to the Commissioners of Stamps and Taxes, at their head office in London, of his name, residence, and occupation, or, in the case of a company or partnership, of the name, residence, and occupation of every person composing or being a member of such company or partnership, and also the name of the firm under which such banker, company, or partnership carry on the business of banking, and of every place where such business is carried on; and if any such banker, company, or partnership shall omit or refuse to make such return within fifteen days after the said 1st of January, or shall wilfully make other than a true return of the persons as herein required, every banker, company, or partnership so offending shall forfeit or pay the sum of 50*l.*; and the said Commissioners of Stamps and Taxes shall on or before 1st of March in every year publish in some newspaper circulating within each town or county respectively in which the head office or principal place of issue of any such banker be situated a copy of the return so made by every banker, company, or partnership carrying on the business of bankers within such town or county respectively, as the case may be.

XIV. That if the monthly average circulation of bank notes of any banker, taken in the manner herein directed, shall at any time exceed the amount which such banker is authorized to issue and to have in circulation under the provisions of this Act, such banker shall in every such case forfeit a sum equal to the amount by which the average monthly circulation, taken as aforesaid, shall have exceeded the amount which such banker was authorized to issue and to have in circulation as aforesaid.

And after reciting that by an Act, 3 & 4 Will. 4. intituled, 'An Act for giving to the Corporation of the Governor and Company of the Bank of England certain Privileges for a limited Period, under certain Conditions,' it was enacted, that from and after the 1st of August 1834, unless and until Parliament should otherwise direct, a tender of a note or notes of the Governor and Company of the Bank of England, expressed to be payable to bearer on demand, should be a legal tender to the amount expressed in such note or notes, and should be taken to be valid as a tender to such amount for all sums above 5*l.* on all occasions on which any tender of money may be legally made, so long as the Bank of England should continue to pay on demand their said notes in legal coin; provided always, that no such note or notes should be deemed a legal tender of payment by the Governor and Company of the Bank of England, or any branch bank of the said governor and company: And that doubts have arisen as to the extent of the said enactment; for removal whereof—

It is Enacted and Declared,

XV. That nothing in the said last-recited Act contained shall extend or be construed to extend to make the tender of a note or notes of the Governor and Company of the Bank of England a legal tender in Scotland: Provided always, that nothing in this Act contained shall be construed to prohibit the circulation in Scotland of the notes of the Governor and Company of the Bank of England, as heretofore.

XVI. That all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or transferable, for the payment of any sum or sums of money, or any orders, notes, or undertakings in writing, being negotiable or transferable, for the delivery of any goods, specifying their value in money less than the sum of 20*s.* in the whole, heretofore made or issued, or which shall hereafter be made or issued in Scotland, shall, from and after the 1st of January 1846, be and the same are hereby declared to be absolutely void and of no effect, any law, statute, usage, or custom to the contrary thereof in anywise notwithstanding; and that if any person or persons shall, after the 1st of January 1846, by any art, device, or means whatsoever, publish or utter in Scotland any such notes, bills, drafts, or engagements as aforesaid for a less sum than 20*s.*, or on which less than the sum of 20*s.* shall be due, and which shall be in anywise negotiable or transferable, or shall negotiate or transfer the same in Scotland, every such person shall forfeit and pay for every such offence any sum not exceeding 20*l.* nor less than 5*l.*, at the discretion of the Justice of the Peace who shall hear and determine such offence.

XVII. That all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or transferable, for the payment of 20*s.*, or any sum of money above that sum and less than 5*l.*, or on which 20*s.*, or above that sum and less than 5*l.*, shall remain undischarged, and which shall be issued within Scotland at any time after the 1st of January 1846, shall specify the names and places of abode of the persons respectively to whom or to whose order the same shall be made payable, and shall bear date before or at the time of drawing or issuing thereof, and not on any day subsequent thereto, and shall be made payable within the space of twenty-one days next after the day of the date thereof, and shall not be transferable or negotiable after the time hereby limited for payment thereof, and that every indorsement to be made thereon shall be made before the expiration of that time, and to bear date at or not before the time of making thereof, and shall specify the name and place of abode of the person or persons to whom or to whose order the money contained in every such note, bill, draft, or undertaking is to be paid; and that the signing of every such note, bill, draft, or undertaking, and also of every such indorsement, shall be attested by one subscribing witness at the least; and which said notes, bills of exchange, or drafts, or undertakings in writing, may be made or drawn in words to the purport or effect as set out in the Schedules to this Act annexed marked (C.) and (D.); and that all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or transferable for the payment of 20*s.*, or any sum of money above that sum and less than 5*l.*, or in which 20*s.*, or above that sum and less than 5*l.*, shall remain undischarged, and which shall be issued in Scotland at any time after the said 1st of January 1846, in any other manner than as aforesaid, and also every indorsement on any such note, bill, draft, or other undertaking to be negotiated under this Act, other than as aforesaid, shall and the same are hereby declared to be absolutely void, any law, statute, usage, or custom to the contrary thereof in anywise notwithstanding: Provided always, that nothing in this clause contained shall be construed to extend to any such bank notes as shall be lawfully issued by any banker in Scotland authorized by this Act to continue the issue of bank notes.

XVIII. That if any body politic or corporate or any person or persons shall, from and after the said 1st of January 1846, make, sign, issue, or re-issue in Scotland any promissory note payable on demand to the bearer thereof for any sum of money less than the sum of 5*l.*, except the bank notes of such bankers as are hereby authorized to continue to issue bank notes as aforesaid, then and in either of such cases every such body politic or corporate or person or persons so making, signing, issuing, or re-issuing any such promissory note as aforesaid, except as aforesaid, shall for every such note so made, signed, issued, or re-issued forfeit the sum of 20*l.*

xix. That if any body politic or corporate or person or persons shall, from and after the passing of this Act, publish, utter, or negotiate in Scotland any promissory or other note (not being the bank note of a banker hereby authorized to continue to issue bank notes), or any bill of exchange, draft, or undertaking in writing, being negotiable or transferable, for the payment of 20s., or above that sum and less than 5l., or on which 20s., or above that sum and less than 5l., shall remain undischarged, made, drawn, or indorsed in any other manner than as is hereinbefore directed, every such body politic or corporate or person or persons so publishing, uttering, or negotiating any such promissory or other note (not being such bank note as aforesaid), bill of exchange, draft, or undertaking in writing as aforesaid, shall forfeit and pay the sum of 20l.

xx. Provided and enacted, That nothing herein contained shall extend to prohibit any draft or order drawn by any person on his banker, or on any person acting as such banker, for the payment of money held by such banker or person to the use of the person by whom such draft or order shall be drawn.

xxi. That all pecuniary penalties under this Act may be sued or prosecuted for and recovered for the use of her Majesty, in the name of her Majesty's Advocate General or Solicitor General in Scotland, or of the Solicitor of Stamps and Taxes in Scotland, or of any person authorized to sue or prosecute for the same, by writing under the hands of the Commissioners of Stamps and Taxes, or in the name of any officer of stamp duties, by action of debt, bill, plaint, or information in the Court of Exchequer in Scotland, or, in respect of any penalty not exceeding 20l. by information or complaint before one or more Justice or Justices of the Peace in Scotland, in such and the same manner as any other penalties imposed by any of the laws now in force relating to the duties under the management of the Commissioners of Stamps; and it shall be lawful in all cases for the Commissioners of Stamps and Taxes, either before or after any proceedings commenced for recovery of any such penalty, to mitigate or compound any such penalty, as the said commissioners shall think fit, and to stay any such proceedings after the same shall have been commenced, and whether judgment may have been obtained for such penalty or not, on payment of part only of any such penalty, with or without costs, or on payment only of the costs incurred in such proceedings, or of any part thereof, or on such other terms as such commissioners shall judge reasonable: Provided always, that in no such proceeding aforesaid shall any essoin, protection, wager of law, nor more than one imparlance be allowed; and all pecuniary penalties imposed by or incurred under this Act, by whom or in whose name soever the same shall be sued or prosecuted for or recovered, shall go and be applied to the use of her Majesty, and shall be deemed to be and shall be accounted for as part of her Majesty's revenue arising from stamp duties, anything in any Act contained, or any law or usage, to the contrary in anywise notwithstanding: Provided always, that it shall be lawful for the Commissioners of Stamps and Taxes, at their discretion, to give all or any part of such penalties as rewards to any person or persons who shall have detected the offenders, or given information which may have led to their prosecution and conviction.

xxii. That the term "Bank Notes" used in this Act shall extend and apply to all bills or notes for the payment of money to the bearer on demand, other than bills and notes of the Governor and Company of the Bank of England, and that the term "Banker" shall extend and apply to all corporations, societies, partnerships, and persons, and every individual person carrying on the business of banking, whether by the issue of bank notes or otherwise; and that the word "Person" used in this Act shall include corporations; and that the word "Coin" shall mean the coin of this realm; and that the singular number in this Act shall include the plural, and the plural number the singular, except where there is anything in the context repugnant to such construction; and that the masculine gender in this Act shall include the feminine, except where there is anything in the context repugnant to such construction.

xxiii. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

### SCHEDULES to which this Act refers.

#### SCHEDULE (A.)

Name and Title, as set forth in Licence.	Name of the Firm.	Head Office, or principal Place of Issue.	Amount of Circulation authorized by Certificate.	Notes in Circulation during the Week ending Day of .		Average of Four Weeks of all Notes.		Account of Coin held by the Banker at the head Office or principal Place of Issue, on the Day of .		Average total Amount of Coin held by the Bank during Four Weeks ending	
				£5 and upwards.	Under £5.	£5 and upwards.	Under £5.	Gold.	Silver.	Gold.	Silver.
								£	£		
								Held on each day of the Week preceding that Day.			
									Gold. Silver.		
								Monday .			
								Tuesday .			
								Wednesday .			
								Thursday .			
								Friday .			
								Saturday .			

\* To be inserted at the End of each Period of Four Weeks.

I being [the Banker, Chief Cashier, Managing Director, or Partner of the Bank, or other Officer duly authorized by the Director, as the Case may be,] do hereby certify, That the above is a true Account of the Notes in Circulation and Coin held by the said Bank during the Week above written.

Dated the

Day of

18 .

(Signed)

## SCHEDULE (B.)

Name and Title, as set forth in Licence.	Name of the Firm.	Head Office or principal Place of Issue.	Amount of Circulation authorized by Certificate.	Average Amount of Notes in Circulation during the Four Weeks ending the Day of .			Average total Amount of Coin held during Four weeks ending	
				£5 and upwards.	Under £5.	TOTAL.	Gold.	Silver.

I hereby certify, That each of the Bankers named in the above Return who have issued an Amount of Notes beyond that authorized in their Certificate [with the Exception of *A. B. or C. D., as the Case may be,*] have held an Amount of Gold and Silver Coin not less than that which they are required to hold during the Period to which this Return refers.

Dated

Officer of the Stamps.

## SCHEDULE (C.)

[Place] [Day] [Month] [Year]

Twenty-one Days after Date I promise to pay to *A. B.* of [Place], or his Order, the Sum of

for Value  
*C. D.*Witness, *E. F.**And the Endorsement, toties quoties.*

[Day] [Month] [Year]

Pay the Contents to *G. H.* of [Place], or his Order.*A. B.*Witness, *J. K.*

## SCHEDULE (D.)

[Place] [Day] [Month] [Year]

Twenty-one Days after Date pay to *A. B.* of [Place], or his Order, the Sum of

Value received, as  
*E. D.*To *E. F.* of [Place].Witness, *G. H.**And the Endorsement, toties quoties.*

[Day] [Month] [Year]

Pay the Contents to *J. K.* of [Place], or his Order.*A. B.*Witness, *L. M.*



## CAP. XXXIX.

AN ACT to amend the Law of Arrestment of Wages in *Scotland*.

(21st July 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Arrestment of wages not competent on dependence of action.*
2. *Alteration of Act.*

By this Act,

After reciting the passing of 6 Geo. 4. c. 48. and 7 Will. 4. and 1 Vict. c. 4.; and that it is expedient that the said Acts should be amended, as regards the arrestment of wages:—

It is Enacted,

1. That from and after the passing of this Act it shall not be lawful or competent to arrest wages upon the dependence of any action raised by virtue of the said recited Acts, anything therein contained to the contrary notwithstanding.
11. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

## CAP. XL.

AN ACT for amending an Act for making Provision for Parish Schoolmasters in *Scotland*.

(21st July 1845.)

By this Act,

After reciting the passing of 43 Geo. 3. c. 54, and that by the said Act it is provided, that if the heritors qualified as thereby required, and minister, shall fail to elect a schoolmaster within four calendar months from the time the vacancy shall have taken place, then the presbytery within the bounds of which the parish is situated shall apply to the convener of the Commissioners of Supply of the county or stewartry, who, or any five of them, at a meeting to be called by the convener upon thirty days' notice, shall have power, *jure devoluto*, and are hereby directed, to elect a person to supply the vacancy; and that in various cases of vacancies the presbyteries have failed to apply to the convener of the Commissioners of Supply, so as to enable him to call such meeting for the exercise by the Commissioners of Supply of the *jus devolutum* so conferred upon them, and great inconvenience and injury have been experienced by parishes, in consequence of schoolmasters not having been elected to supply such vacancies:—

It is Enacted,

That failing such election as aforesaid, and such application by the presbytery to the convener of the Commissioners of Supply, then, within twenty-one days after the expiration of the four months after which the presbytery is so required to apply to the convener of the Commissioners of Supply, it shall be lawful for any heritor of the parish to make intimation of the vacancy, whether now existing or that may hereafter occur, by letter to the convener of the Commissioners of Supply of the county or stewartry within which the parish is situated, requiring him to call a meeting of such commissioners upon thirty days' notice; and the Commissioners of Supply, or any five of them, assembled at such meeting or any adjourned meeting, shall have power, *jure devoluto*, to take the matter of such vacancy into consideration, and, unless good cause be shewn to the contrary, to proceed forthwith to the election of a schoolmaster, according to the intent and meaning of the said recited Act, and such election shall be good and valid to all intents and purposes.

## CAP. XLI.

AN ACT for amending the Laws concerning Highways, Bridges, and Ferries in *Scotland*, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money.

(21st July 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *This Act to apply to all statute service roads, bridges, &c.*
2. *The word "trustees" to include Justices, &c.*

3. *Regulation of meetings.*
4. *Officers to be appointed and security to be taken.*
5. *Trustees may pursue and be pursued in the name of their clerk, &c.*
6. *Books of minutes and accounts to be kept and audited.*
7. *Permission to inspect accounts.*
8. *Proceedings for recovery of conversion to commence within six months.*
9. *Made of recovering conversion money.*
10. *No person liable to work or pay who does not possess lands, &c. valued at 2l. yearly.*
11. *Power to exempt persons who do not possess lands, &c. valued above 5l.*
12. *Proprietors in certain cases to be assessed instead of tenants.*
13. *Assessment ceasing by this Act may be levied in any county upon all lands, &c. not hereinbefore exempted.*
14. *Levying of conversion money as a poll tax to cease.*
15. *Trustees to ascertain the annual value of lands, &c. assessed.*
16. *Proprietors not exempt from debts due to trustees under any other Act.*
17. *Wadsetters, &c. to be held proprietors.*
18. *Power to get materials.—Satisfaction.—Notice to be given before materials are taken from inclosed lands.*
19. *Penalty on taking away materials provided for repairing highways, bridges, or ferries.*
20. *Power to use adjoining ground as a temporary road.*
21. *Trustees to make side drains.*
22. *Trustees may make ditches.*
23. *Timber, stones, &c. left on roads may be seized.*
24. *Penalties on persons making encroachments.*
25. *Parishes to defray damages to parapets, &c. committed by persons undiscovered.*
26. *Penalty on persons committing nuisances, &c.*
27. *Regulation of drivers.*
28. *As to one driver taking charge of two or more carts, &c.*
29. *Children not to drive carts, &c.*
30. *Persons opening up roads for laying pipes for water, &c. must repair them.*
31. *Surveyors, &c. not to leave materials unnecessarily on the roads.*
32. *Proprietors to fence pits made near the roads.*
33. *No animal to be pastured on the roads.*
34. *Side ridges to be made in uninclosed lands.*
35. *Gates to open inwards.*
36. *Weeds to be cut by trustees.*
37. *Owners of waggons, carriages, &c. shall cause their names to be painted thereon.*
38. *Trustees may prosecute before sheriff and Justices at the expense of the trust.*
39. *Proceedings for recovering penalties, &c.*
40. *Summary process.*
41. *Attendance of witnesses.*
42. *For securing transient offenders.*
43. *Appeal.—Judgment of sheriff or Quarter Sessions to be final.*
44. *Warrants, &c. may be enforced in any other county.*
45. *Existing causes not to be affected thereby, nor the powers of sheriffs.*
46. *Prosecutions to be brought with six months.*
47. *Not to extend to middle district, Edinburgh.*

#### By this Act,

After reciting that it has been found by experience that the laws concerning highways, bridges, and ferries in Scotland, and concerning the statute service for making and repairing them, and the conversion thereof in money, may be amended in various particulars: And that it is expedient that further regulations should be made concerning the said highways, bridges, and ferries, and that the system of managing them should be rendered more uniform:—

#### It is Enacted,

1. That from and after the passing of this Act all the enactments, provisions, matters, and things in this Act contained shall extend to all highways, bridges, and ferries in Scotland to which statute service, or the conversion thereof in money, or any assessment in lieu of such conversion, is or shall be applied, and to all Acts of Parliament now in force or which shall hereafter be passed affecting such highways, bridges, or ferries in Scotland, saving and excepting such enactments, provisions, matters, and things as shall be expressly varied, altered or repealed by any Act that shall be hereafter passed.

11. That the word “trustees” in this Act shall be held to mean and apply to all Justices of the Peace acting under the authority of any Act of Parliament for making and repairing highways, bridges, and ferries in Scotland, by statute service, or the conversion thereof in money.

111. That all trustees acting in the execution of this or any Act of Parliament for making and repairing highways, bridges, and ferries in Scotland by statute service, or the conversion thereof in money, or assessment in lieu of such conversion, shall at all their meetings pay their own expenses, and shall, in the first place, where it is not otherwise directed by any local Act, appoint a preses at every meeting, who in case of an equal number of votes, including his own, shall have the casting vote; and no order or determination at any such meeting, once made or agreed upon, shall be revoked or altered at any subsequent

meeting, unless notice of the intention to propose such revocation or alteration shall have been given at a previous meeting, and entered in the minutes of such meeting, and transmitted by post to every trustee not present at such previous meeting, who shall have been present at the meeting where such order or determination was made, and such notice shall also be published by two several advertisements in some newspaper or newspapers usually circulated in the county or district of the county where the road or roads or the principal part thereof shall be, ten days at least previous to such subsequent meeting; and it shall be lawful for any two trustees as aforesaid at any time to call or require their clerk to call a meeting: Provided always, that notice of such meeting and of the purpose thereof shall be published by two advertisements as aforesaid.

iv. That all such trustees may and are hereby authorized to appoint clerks, collectors, treasurers, superintendents, surveyors, and other officers, with reasonable allowances for their trouble, and to take such security from any of them for their intrusions, and for the faithful discharge of their duty, as may be deemed expedient; and no person acting as such trustee, clerk, collector, treasurer, superintendent, surveyor, or other officer, shall directly or indirectly have or hold any share or interest in any contract for making or repairing any of the said highways, bridges, or ferries, under a penalty of 20*l*.

v. That all such trustees may pursue and be pursued in the name of their clerk or treasurer for the time being; and no action or process shall cease by the death or removal of such clerk or treasurer, but shall be continued in the name of the clerk or treasurer for the time.

vi. That all such trustees shall cause a book or books to be kept, in which shall be entered all the minutes of their orders and proceedings, as also true and regular accounts of all service performed and of all money received and expended on account of the highways, bridges, and ferries under their charge, specifying the sums applied to ordinary repairs, and to improvements of each highway, bridge, and ferry, and to management and expenses, and the sums due and not recovered, as also the amount of debt and interest thereof; and such accounts for the year current at the passing of this Act shall be made up in each county or district of a county, and shall be audited and signed by two of the said trustees, or by their preses, if more than two be present, within a year after the passing of this Act; and the accounts so made up, audited, and signed shall include all transactions preceding the period of one month before the time at which they are so signed; and similar accounts shall be annually thereafter made up, and shall in like manner be audited and signed within one month from the time to which they are so made up; and after the first year from and after the passing of this Act it shall not be lawful for any person whatsoever to act in any way in the collection of another year's conversion until such accounts shall have been made up, audited, and signed as above directed.

vii. That any person, having performed service or paid the conversion in money or assessment for the past or current year, may see and take a copy of the said accounts or any part thereof, on paying 1*s*. to the clerk or treasurer for each time of inspection; and an abstract of such accounts shall be printed and published annually in at least one newspaper usually circulated in the county or district where the road or roads or principal part thereof shall be, within one month after the said accounts are audited and signed as aforesaid; and any clerk or treasurer neglecting to make up or refusing or not permitting inspection of such accounts as aforesaid, or failing to print and publish the abstract thereof as aforesaid, shall forfeit and pay a sum not exceeding 5*l*. to any such person who shall prosecute for the same, with the expenses of process or proceedings.

viii. That it shall not be lawful to commence any legal process or proceeding for the recovery of any sum due or leviable as conversion of statute service, or assessment in lieu of such conversion, for making or maintaining any highway, bridge, or ferry, after six months from the time when the said sum shall have become leviable; and in all cases previous demand shall be made thirty days before commencing such process or proceeding.

ix. That it shall be competent to recover any sum under 100*l*. Scots due or leviable as aforesaid for making or repairing any highway, bridge, or ferry, according to the provisions of an Act, 7 Will. 4. & 1 Vict. c. 41, intituled, 'An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs,' in Scotland, anything to the contrary in any local Act notwithstanding: Provided always, that nothing herein contained shall in any way alter or affect any enactment or provision in any local Act relative to warrants for poinding for the purpose aforesaid, or any proceeding consequent thereon, saving and excepting that it shall not be competent after the passing of this Act to imprison any person for non-performance of statute labour, or non-payment of the conversion thereof or assessment in lieu of such conversion.

x. That from and after this present year 1845 it shall not be lawful to require any person, not being the proprietor or occupier of lands, buildings, or other heritable subjects of the yearly value of 2*l*. or more, to work or perform statute service on any highway, bridge, or ferry, or to exact or levy money from any such person as conversion of statute service, or otherwise for making or maintaining any highway, bridge, or ferry; and all warrants for poinding or imprisonment, and other legal proceedings whatsoever, against any such person as aforesaid, on account of non-performance of such work or service, or non-payment of such money or conversion, are hereby prohibited and discharged, saving and excepting such proceedings as shall have been commenced before the last day of December 1845, which, notwithstanding anything herein contained, may be continued and carried on in all respects as if this Act had not been passed.

xi. That it shall and may be lawful for all such trustees, at a general meeting assembled, on previous notice of such purpose being given as above directed, from time to time to fix and determine any amount of yearly value of lands, buildings, and other heritable subjects not under 2*l*. and not above 5*l*., to the proprietors and occupiers of which such trustees shall think fit to extend the said exemption in any county or district of a county; and it shall not thereafter be lawful to require any person, not being the proprietor or occupier of lands, buildings, or other heritable subjects of a yearly value above the amount so fixed, to work or perform statute service on any highway, bridge or ferry, or to exact or levy money from any such person as conversion of statute service or otherwise for making or maintaining any highway, bridge, or ferry.

XII. That in all cases in which, by authority of any local Act now in force, money, as conversion of statute service, or assessment in lieu thereof, is authorized to be assessed on lands, buildings, or other heritable subjects, and is payable in whole or in part by the occupiers or tenants of such lands, buildings, or other heritable subjects, it shall and may be lawful to assess upon and recover from the proprietor of any such lands, buildings, or other heritable subjects such money, or part thereof, as the trustees appointed by such local Act may think proper, so payable by any occupier or tenant thereof, who is not occupier or tenant or proprietor of lands, buildings, or heritable subjects of the yearly value in the whole of 2*l*.: Provided always, that if all the lands, buildings, or other heritable subjects belonging to such proprietor shall not be of the yearly value of 2*l*., no part of such money shall be assessed upon or recovered from such proprietor.

XIII. That in all cases in which any sum of money heretofore exigible as conversion of statute service, or assessment in lieu thereof, shall under this Act cease to be so exigible, it shall be lawful for all such trustees at a general meeting assembled to assess in any county or district of a county any sum not exceeding the amount of the conversion or other money which by reason of this Act shall cease to be exigible, and to cause the same to be levied upon all lands, buildings, and other heritable subjects not hereinbefore exempted from assessment, or to be added to the sums otherwise assessable by any local Act, and that notwithstanding the rate of assessment should be thereby raised above the maximum amount authorized by such local Act; and all such sums so assessed or added shall be levied and applied in the same manner as the money might have been levied and applied in lieu of which the said sums are assessed; and all such sums shall be payable, one-half by the owners, and the other half by the occupiers of the lands, buildings, or other heritable subjects so assessed; and it shall be competent to levy from the occupiers the half payable by the owners, and such occupiers shall be entitled to deduct such half from the rent payable to the owners or other parties having right to such rent.

And after reciting that it is expedient to abolish the personal performance of statute service, and the levying of the conversion thereof in money or any assessment in lieu of such conversion, as a poll-tax:—

It is Enacted,

XIV. That from and after this present year 1845 it shall and may be lawful for all such trustees at a general meeting assembled, if they shall think fit, to order and direct that in any county or district of a county all such performance of statute service, and all such levying of conversion or assessment in lieu thereof, shall cease and determine.

XV. That in the case of such assessment being laid upon lands, buildings, and heritable subjects as aforesaid, the annual value thereof shall be ascertained by such trustees in manner prescribed by the local Acts now in force, or in such and like manner as the annual value of lands, buildings, and heritable subjects is authorized and directed to be ascertained in counties and burghs respectively under and by virtue of an Act, 2 & 3 Vict. c. 42, intituled, 'An Act to improve Prisons and Prison Discipline in Scotland;' and it shall be lawful for such trustees, if they shall think fit, to assume the amount ascertained as the annual value of such lands, buildings, and heritable subjects in counties and burghs respectively, under the said recited Act, to be the amount on which the assessment hereby authorized to be levied may be levied for the purposes of this Act.

XVI. That nothing herein contained shall extend or be deemed or construed to extend to prevent the commencing any legal process or proceeding for the recovery of any debt or debts, sum or sums of money, with interest thereon, allocated and apportioned by virtue of any Act of Parliament now in force upon any proprietor or proprietors of lands, heritor or heritors, according and in proportion to the real or valued rents of such lands within any county, and now due and owing by any such proprietor or proprietors, heritor or heritors, to any trustees acting by virtue of any such Act of Parliament, but all such debts, sums of money and interest thereon, may be recovered in the same manner, to all intents and purposes, as if this Act had not been passed.

XVII. That all life-renters and wadsetters shall be deemed and held to be proprietors for all the purposes of this Act; and that where any house has been or shall be built by any tenant under a building lease, such tenant, and his heirs and assignees, shall for the purposes of this Act be deemed and taken to be proprietor of such house.

XVIII. That it shall be lawful for all such trustees, or any person authorized by them, to search for, dig, and carry away materials for making or repairing any highway, bridge, or ferry, or for building, making or repairing any work connected herewith, from any common land, open uncultivated land, or waste, or to deposit mud or rubbish thereon, without paying any surface damages or anything for such materials, except for stone to be used for building, and to carry the same through the round of any person; such trustees, or other persons authorized by them, filling up the pits or quarries, levelling the ground herefrom such materials shall be taken, or fencing off such pits or quarries, so that the same shall not be dangerous to any person or cattle, and paying for or tendering the damage done by going through and over any inclosed or arable lands for or with such materials, mud, or rubbish, such damages to be ascertained as hereinafter mentioned; and also that it shall be lawful for such trustees, and other persons authorized by them, as aforesaid, to search for, dig, and carry away any such materials in or out of the inclosed land of any person where the same may be found, and to land or carry the same through or over the ground of any person (such materials not being required for the private use of the owner or occupier of such land, or such land or ground not being an orchard, garden, lawn, policy, nursery for trees, planted walk or avenue to any house, nor inclosed ground planted as an ornament or shelter to a house, unless where materials have been previously used to be taken by the said trustees), making or tendering such satisfaction for stones to be used for building, and for the surface damage done to the lands from whence such materials shall be dug and carried away, or over or on which the same all be carried or landed, as such trustees shall judge reasonable; and in case such trustees and the proprietor or occupier of such lands shall differ as to the amount of such payments and damages as aforesaid, it shall be competent to the sheriff or Justices of the Peace for the shire wherein the place from whence such materials shall have been taken, or on which the same all have been landed or carried, shall be situate, on the application of either party, with inducible of six days, to hear and determine all questions as to the amount of such payments and damages, and the expenses attending the same: Provided always, that before taking such materials from any inclosed land from which the same shall not previously have been in use to be taken, fourteen days' previous notice in writing, signed by two trustees, shall be given to or left at the usual residence of the proprietor and occupier of the land or quarry from which it is intended to take the same, or his or her known agent, to appear before the sheriff or any two Justices of the Peace acting for the shire where the said lands are situate, to shew cause why

such materials shall not be so taken: and in case such proprietor, occupier, or agent shall attend pursuant to such notice, or shall neglect or refuse to appear (proof on oath in such case being duly made of the service of such notice), such sheriff or Justices shall authorize or prohibit the trustees to take such materials, or make such order as they shall think fit.

XXIX. That it shall not be lawful for any person to take away any materials which shall have been procured or provided or used for making or repairing any highway, bridge, or ferry, or to take any materials out of any quarry, which shall have been opened by any such trustees for the purpose of getting materials, so as to interrupt or interfere with the workings carried on by such trustees, and every person so offending shall for every such offence forfeit and pay any sum not exceeding 5*l*.

XX. That it shall be lawful for all such trustees to make a road through the grounds adjoining to any ruinous or narrow part of any highway (not being an orchard, garden, lawn, policy, planted walk or avenue to any house, or nursery for trees), to be made use of as a public highway whilst the old road is repairing or widening, making recompence to the proprietor and occupier of such grounds for the damages they may thereby sustain; and in case such trustees and such proprietor or occupier shall differ as to the amount of such damages, it shall be competent to the sheriff or Justices of the Peace for the shire where such damages or any part thereof shall have been incurred, on the application of either party, with an inducement of six days, to hear and determine all questions as to the amount of such damages, and the expenses attending the same.

XXI. That it shall be lawful for all such trustees to make sufficient side drains on any highway, with power to conduct the water therefrom into any adjoining land, ditch, or watercourse (such land not being the site of any house or garden), in such manner as shall be least injurious to the proprietor or occupier of such land, the said side drains to be maintained at the expense of the trustees.

XXII. That it shall be lawful for all such trustees to make sufficient ditches along the side of any highway, provided that if the land is inclosed on the side of such highway such ditch shall be made on the field side of the fence, and also to make proper ditches and outlets from the said side ditches through any lands adjoining any such highway (not being the site of any house or garden), in such manner as shall be least injurious to the proprietor and occupier of such land; and the occupier of such land (unless such land be uninclosed and waste) shall be obliged in all time thereafter to keep clear such side ditches and other ditches or outlets, as well as all such ditches already made along the sides of any highway, when so required by the said trustees or their surveyor; and in case the proprietor or occupier shall neglect or refuse to cleanse such side ditches or other ditches or outlets, when duly required by such trustees or surveyors, such trustees or surveyors are hereby empowered to cleanse such side ditches or other ditches or outlets, and levy the expense thereof from the occupier of such grounds: Provided always, that nothing herein contained shall prohibit any proprietor or occupier from substituting, to the satisfaction of the trustees, any other equally effectual ditch or outlet in place of that constructed by the trustees.

XXIII. That it shall be lawful for any such trustee or surveyor of any highway, or other person authorized by the said trustees, *brevi manu*, to seize and carry off any timber, stone, dung, rubbish, or other matter or thing whatsoever laid or left upon any such road or footpath, or on any side drain or ditch of such road, and to sell or otherwise dispose of the same as a forfeiture in such manner as the trustees shall direct, unless such matter or thing shall be previously redeemed by the owner thereof by payment of the penalty in such case enacted: Provided always, that the proprietor or occupier of any lands or houses may lay down any materials for building or repairing any house or wall immediately adjoining any highway, such materials occupying one-fourth part of such road only, and such proprietor or occupier giving three days' previous notice in writing to the clerk or surveyor of the road, and erecting such fence round such materials, and fixing and lighting lamps thereon, in such manner as the trustees may require.

XXIV. That if any person shall fill up or obstruct any ditch at the side of any highway, or any ditch used for conveying water from the said road, or any side drain thereof, or ditch or drain under the same, or shall encroach by making any dwelling house or other building, or any hedge, ditch, or other fence, or in any other manner whatever, on any highway, or shall make any drain, gutter, sink, or watercourse across, under, or upon, or shall turn or conduct any drain or water across, under, or upon, or in any way break up the surface of any highway, without the consent in writing of the trustees of such highway, or of their surveyor, such person shall forfeit for every such offence a penalty not exceeding 5*l*; and it shall be lawful for the trustees of any such highway to cause such dwelling-house or other building, hedge, ditch, or fence, drain, sink, watercourse, gutter, or other encroachment, to be taken down or filled up at the expense of the person so offending.

XXV. That it shall be lawful for all such trustees, where the parapet of any bridge, or any fence, milestone, direction post, or any erection, building matter, or thing belonging to the said trustees, or used for the purposes of the trust under their management, shall be destroyed or injured, and the persons so offending cannot be discovered and convicted, to complain to the sheriff or Justices of the Peace of the shire in which such damage shall have been committed, having previously given notice in writing of their intention of making such complaint on the church door of the parish in which the said damage shall have been committed for two consecutive Sundays, and which complaint the said sheriff or Justices shall hear in a summary way; and if they shall sustain the same they are hereby empowered and required to assess the amount of such damage, and the expenses of process or proceedings, upon the proprietors, occupiers, and such other persons of the parish wherein such damage shall have been committed as aforesaid as would if this Act had not been passed have been liable for the payment of the conversion money leviable for statute labour in the shire in which such parish is situated, which assessment shall be levied by the said trustees upon the same persons in the same proportions, with the same relief to landlords against tenants, and in the same manner as the said conversion money may be levied; and in the event of any fractional part of such assessment being less than  $\frac{1}{4}$ d. the whole of such  $\frac{1}{4}$ d. shall be leviable from the individual in whose assessment such fraction shall occur, and any surplus that may arise therefrom shall be applied to the repair of the roads.

XXVI. That if any person shall ride upon any footpath or causeway on or by the side of any highway made or set apart for the use or accommodation of foot passengers, or shall lead or drive any horse, ass, mule, swine, or cattle, or carriage of any description, or any wheelbarrow, truck, or sledge, or any single wheel of any waggon, cart, or carriage apart therefrom, upon any such footpath or causeway; or shall wilfully obstruct, or do or cause any injury or damage to be done to the same, or to the

hedges, posts, rails, or fences thereof; or shall wilfully pull down or damage any bridge, wall, or any building, fence, or erection made by the trustees of any highway, or repaired or repairable by them; or shall break, injure, remove, or displace any tools, trestles, bars, stones, materials, or other article whatsoever belonging to such trustees, or used on any such road under their authority; or shall haul, or draw, or cause to be hauled or drawn, upon any part of any highway, any timber, stone, or other thing, otherwise than upon a wheeled carriage, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon a wheeled carriage to drag or trail upon such road; or in ploughing or harrowing any adjacent uninclosed land shall turn any horse, plough, or harrow in or upon such road or the side drains or ditches thereof; or shall, in or upon such road, or by the side or sides thereof, or in any exposed situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any beast, swine, calf, lamb, or other cattle; or if any person, driving any carriage, cart, horse, or other beast on such road, conveying any iron bar or rod, tree, wood, stone, basket, or pannier, or any other matter or thing, except hay and straw, suffer the same to project by more than thirty inches from the side of such horse or other beast, or more than one foot laterally beyond the wheels of such carriage, or so as in any manner to obstruct or impede the passage of any person, or any horse, beast, or carriage travelling along such highway; or if any person shall carry any timber or other article above twenty-five feet long on any cart or carriage not having more than two wheels; or if any hawker, higgler, gipsy, or other person shall pitch any tent or encamp upon or by the sides of any part of any highway; or if any person occupying or using a blacksmith's shop, foundry, smelting house, iron or brass work, boiler-making work, glass work, soda, soap, or chemical work, shall not, by good and close shutters, every evening after it becomes twilight, or otherwise, bar and prevent the light from such shop shining into or upon such road, and from being dangerous or detrimental to travellers; or if any person shall make or assist in making any fire or fires commonly called bonfires, or shall set fire to or let off or throw any squib, rocket, serpent, or other firework whatsoever within one hundred feet of the centre of such road, or shall discharge any gun, pistol, or other fire-arms, fly kites, or bait or run for the purpose of baiting any bull, or play at football, tennis, fives, cricket, or any other game or games upon such road, or on the side or sides thereof, or in any exposed situation near thereto, to the annoyance of any passenger or passengers; or if any person shall leave any waggon, cart, or other carriage whatever upon such road or on the side or sides thereof, without any proper person in the sole custody or care thereof, longer than may be necessary to load or unload the same, except in cases of accident, and in cases of accident for a longer time than may be necessary to remove the same, or shall not place such waggon or other carriage during the time of loading or unloading the same, or of taking refreshments as near to one side of such road as conveniently may be, either with or without any horse or beast of draught harnessed or yoked thereto, or shall lay any timber, stone, hay, straw, dung, manure, soil, ashes, rubbish, or other matter or thing whatsoever upon such road or on the side or sides thereof, or the footpaths or causeways adjoining; or shall hang or lay any linen cloths or other such article on any hedge or fence of any such road; or shall suffer any water, filth, dirt, or other offensive matter or thing whatsoever to run or flow into or upon such road or footpaths from any house, building, erection, lands, or premises adjacent thereto; or if any person driving any pigs or swine upon such road shall suffer such pigs or swine to root up or damage such road, or the fences, hedges, banks, or copse on either side thereof respectively; or if any person shall, after having blocked or stopped any cart, waggon, or other carriage in going up a hill or rising ground, cause or suffer to be or remain on such road the stone or other thing with which such cart or other carriage shall have been blocked or stopped; or if any person shall pull down, damage, injure, or destroy any lamp or lamp post put up, erected, or placed in or near the side of any highway, or shall extinguish the light of any such lamp; every person offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding 50s., over and above the damages occasioned thereby.

XXVII. That if the driver of any cart, waggon, or other such carriage on any highway shall ride on the shafts, or in or on any other part of such carriage, without having and holding reins attached to each side of the bridle of each beast of draught drawing such cart or carriage, or shall at any time leave the same travelling on any such road without having some person to guide the beast or beasts of draught drawing the same, or shall allow to go at large any dog that may be attending him, or his waggon, cart, or other such carriage, or shall not chain or fasten the same to such waggon, cart, or carriage, or if the driver of any sort of carriage shall not keep to the left or near side of such road on meeting or on being overtaken by any other carriage or any rider, or shall wilfully prevent any other person passing him or his carriage, such driver shall for every such offence forfeit and pay a sum not exceeding 5*l.* over and above the damages occasioned thereby.

XXVIII. That if one person act as the driver of more than two carts, waggons, or other such carriages on any highway, or if the hinder of two carts, waggons, or other such carriages, under the care of only one person, shall be drawn by more than one horse, or if the horse of such hinder cart, waggon, or carriage shall not be attached by a rein to the back of the cart which shall be foremost, and follow in the same line therewith, the horse drawing such hinder cart not being permitted to be further from the foremost than six feet, the owner or driver of every such waggon, cart, or other carriage shall for each transgression in any of the points aforesaid forfeit and pay a sum not exceeding 40s.

XXIX. That no waggon or cart travelling on any highway shall be driven by any person who shall not be of the full age of fourteen years, under a penalty for each such offence not exceeding 40s., to be paid by the owner of such waggon or cart.

XXX. That if the causeways and footpaths of any highway, or any part of such highway, shall be opened up by any person or persons, with leave of the said trustees, or otherwise having authority so to do, for the laying of pipes for water, gas, aqueducts, or railroads, or for any other purpose whatever, and the same shall not be immediately thereafter repaired, renewed, or rendered completely sufficient and good by the person or persons opening up the same to the satisfaction of the said trustees or their surveyor, then the said trustees or their surveyor shall have full power and they are hereby authorized to execute the necessary repairs on the part or parts of such road or footpath so opened up, and to restore the same completely, and to charge the expense thereof against the person or persons opening up the same, which shall be ascertained by an account under the hands of the said trustees or a quorum of them, or of their clerk or surveyor; and if any damage shall happen to the public from the operations of the persons opening up the road as aforesaid, such persons shall be solely liable for the same, and be obliged to relieve the said trustees thereof, and of all expenses attending the same; and in all cases where any injury shall arise to any highway from any drain, conduit, pipe, water, matter, or thing whatsoever being conveyed

across, in, under, or upon, or by anything done upon, any part of any such road by any person having leave or otherwise entitled so to do, and such injury shall not be immediately repaired to the satisfaction of the trustees, they or their surveyor are hereby authorized to repair the same, and charge the expense thereof as aforesaid against the person occasioning the said injury, or for whose uses or purposes the thing occasioning the same shall be done or kept.

xxxI. That if the surveyor of any highway, or any contractor or other person employed on such road, shall lay on any part of any such road any heap of stones or other materials for the repair thereof, and shall permit the same to remain longer than necessary for the breaking and spreading of such materials, or shall lay on any such road any matter or thing, or shall knowingly permit to remain on any part of any such road any matter or thing, which may endanger the safety of any passenger, or shall dig any pit or make any cut on any highway without sufficiently fencing the same, such person shall for every such offence forfeit and pay a sum not exceeding 5*l.* over and above the damages occasioned thereby, and expenses; and it shall be lawful for any person travelling along any highway to prosecute for such sum, damages, and expenses in manner hereinafter provided: Provided always, that it shall be lawful for any such surveyor, contractor, or other person to have on any such road, during daylight, any trestles or bars in any such manner as the trustees of such road may judge necessary to prevent interruption of the work during the repairing of the road, or to prevent carts or carriages from running in tracks injurious to the road: Provided also, that such trestles or bars shall at all times be placed in such manner as not to be more inconvenient to passengers than may be necessary to prevent interruption to the work, or to prevent carts or carriages from running in tracks injurious to the road.

xxxII. That if the proprietor or occupier of any lands adjacent to any highway shall dig any pit or make any cut upon or within twelve feet of the side of any such road, and shall leave the same unfenced so as to be dangerous to travellers, and shall not fence the same when required so to do by any two of the trustees of such road, or any procurator fiscal of the shire within which the said pit or cut is situated, such proprietor or occupier shall forfeit and pay a sum not exceeding 5*l.* for every day such pit or cut shall continue to be unfenced beyond three days after notice shall have been given as aforesaid, and it shall be lawful, after such notice, for the said trustees or procurator fiscal to cause the same to be fenced at the expense of such proprietor or occupier.

xxxIII. That if any horse, cattle, ass, sheep, swine, or other beast of any kind shall be pastured, or left or permitted to remain, or found straying on any highway, or the sides thereof (except on such parts of any road as pass through or over any common or waste ground, or land not inclosed, unless it be arable on one side), the person so pasturing or leaving such beast, or permitting the same to remain, or the person having the charge of such beast, or the owner thereof if such person cannot be found, shall forfeit and pay a sum not exceeding 5*s.* for every such beast; and it shall be lawful for any trustee of such highway, or the surveyor of such trustees, or any other person authorized by them, *brevi manu*, to seize and detain the same until such penalty and the expenses of process and proceeding shall be paid; and in case the said penalty and expenses shall not be paid within three days after notice of such detention shall be given at the parish church nearest to the place where such animal shall be found, the said surveyor or other person shall sell the same, with the authority of the sheriff or any Justice of the Peace for the shire, who are hereby empowered to grant such authority; and, after deducting the amount of the said penalty and expenses, such surveyor or other person shall pay the surplus, if any, to the owner of such animal so detained.

xxxIV. That every person in ploughing any uninclosed land adjoining any highway shall make side ridges along the sides of such road of the breadth of twelve feet at the least, under a penalty not exceeding 5*l.*

xxxv. That no gate of any park, field, or inclosure whatsoever shall be made to open into or towards any part of any highway, or be suffered so to open, except the hanging post thereof shall be fixed or placed so far from the centre of any part of such road as that no part of such gate shall, when open, project over any part of such road, or of any footpath belonging thereto; and the occupier of any park, field, or inclosure having any gate opening outwards, contrary to the meaning of this Act, shall, within six days after notice to him or her given, either personally or in writing, from the trustees of such road or their surveyor, cause such gate to be hung so that no part of the gate, when open, shall project over any part of such road, or of any footpath belonging thereto; and if such occupier fail so to do, the surveyor of any such road shall cause the gate to be hung as hereinbefore directed, and charge the expense of making such alteration and hanging such gate against the said occupier, who shall over and above such expense, forfeit and pay a further sum, not exceeding 5*l.*, for such neglect.

xxxvi. That the trustees of every highway shall cut or cause to be cut all weeds growing on the same or the sides thereof, when inclosed, at a proper season of the year, in order to prevent such weeds coming into seed; and if they fail so to do for eight days after being required by the proprietor or occupier of the adjoining land, by notice in writing given to their clerk or surveyor, such proprietor or occupier may cut the same, and charge the expense thereof against the said trustees.

xxxvII. That the owner of every waggon or cart, and also of every coach, post chaise, or other carriage, let either in the whole or in part to hire, shall paint in a straight line horizontally upon some conspicuous part on the off or right side of his waggon or cart, and upon the panels of the doors of all such coaches, post chaises, or other carriages, before the same shall be used upon any highway, the christian and surname and place of abode of such person, or the christian and surname and place of abode of the principal partner or owner thereof, in large legible Roman letters, either of a dark colour upon a light ground or of a light colour on a dark ground, not less than one inch in height, with numbers, beginning with number one, where more of such carriages respectively than one shall belong to the same owner, and proceeding in regular progression, and shall continue the same thereupon as aforesaid so long as such waggon, cart, or other carriage shall be used upon any highway; and every owner of any such waggon, cart, or other carriage using or allowing the same to be used upon any highway without the names and descriptions painted thereon respectively as aforesaid; and every person driving the same, shall forfeit for every such offence a sum not exceeding 40*s.*; and every person driving any such waggon, cart, or other carriage, who shall refuse to stop, and permit the name to be read or uncovered by any person requiring him so to do, shall over and above forfeit for every such offence any sum not exceeding 40*s.*

xxxviii. That it shall be lawful for the procurator fiscal and for all such trustees, or any person authorized by them, or for any one of their number, to prosecute for any expenses, penalty, forfeiture, or fine imposed by this or any Act made for making or maintaining any highway, bridge, or ferry, and to recover the same before the sheriff or the Justices of the Peace of the shire in which the same shall have become due or been incurred, or where the offender shall reside, subject to appeal in manner hereinafter mentioned; and it shall be lawful for the said trustees to allow the expenses of such prosecutions to be defrayed out of the funds of the trust.

xxxix. That all expenses, penalties, forfeitures and fines imposed by this or any such Act as aforesaid (excepting such penalties as are herein otherwise directed to be recovered and applied) shall, after hearing the party complained of, or on the non-appearance of such party after summons, on an inducæ of six days, personally, or at the dwelling place of such party, (of which the oath of one witness, or an execution of citation without witnesses, shall be sufficient evidence,) upon proof of the fact before the sheriff or Justices of the Peace for the shire in which the same shall have become due or been incurred, or where the offender shall reside, either by the confession of the party offending or by the oath of any one credible witness, or other competent evidence, be levied, together with the expenses of the prosecution and conviction, by pouncing and sale of the goods and effects of the party offending, by warrant under the hand of such sheriff or Justices (which warrant such sheriff or Justices are hereby empowered to grant); and the surplus (if any), after deducting such expenses, penalties, forfeitures, and fines, and the expenses of the proceedings and charges of such pouncing and sale, shall be returned to the owner of such goods and effects; and in case the same shall not be forthwith paid upon conviction, then it shall be lawful for such sheriff or Justices to order the offender so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of pouncing, unless the offender shall give sufficient security, to the satisfaction of and to the amount fixed by such sheriff or Justices, for his or her appearance before such sheriff or Justices on such day as shall be appointed for the return of such warrant of pouncing, which security the said sheriff or Justices are hereby empowered to take by bond of caution or otherwise; but if upon the return of such warrant it shall appear that no sufficient goods and effects can be found, then it shall be lawful for the said sheriff or Justices, in all cases where the penalties sought to be recovered shall exceed the sum of 40s. and they are hereby authorized and required, by warrant under their hand, to cause such offender to be committed to the common gaol or house of correction of the shire where the offender shall be or reside, there to remain for any time not exceeding four months, unless such expenses, penalties, forfeitures, and fines, and the expenses of the proceedings, shall be sooner paid; and in all cases where the penalties awarded shall be less than the sum of 40s. the said sheriff or Justices may, when no effects can be found as above, commit the offender to prison for any time not exceeding two months, unless the said penalties, fines, and expenses shall be sooner paid; and the monies arising by such penalties, forfeitures, and fines respectively, if not otherwise directed to be applied by this Act, or the Act under which the same shall have been incurred, or in so far as not directed by the sheriff or Justices to be paid towards the expenses of the proceedings, shall be paid to the trustees for making and maintaining the roads, or to their treasurer, and applied and disposed of for the purposes of such roads.

xl. That it shall be lawful for the sheriff or any one Justice before whom any complaint for the recovery of any such expenses, penalties, forfeitures, or fines may be brought, to proceed, if such sheriff or Justice, duly considering the nature of the case, shall think fit, and not otherwise, in a summary way, and to grant warrant for bringing the parties complained upon before him for examination, and after hearing parties, on confession or probation by the oath of any credible witness, or other competent evidence, to proceed to determine thereon, without any written pleadings or record of evidence, and to grant warrant for levying the said penalties by pouncing and sale, and in the case of a return of no effects, or in case it shall appear to the satisfaction of such sheriff or Justice that no sufficient effects can be found, for the commitment of the offender as above enacted; but in all such cases a record shall be preserved of the charge and of the judgment pronounced.

xli. That if any person shall be summoned as a witness to give evidence before any sheriff or before any Justice of the Peace touching any matter contained in any Act relating to highways, bridges, or ferries, or in this Act, either on the part of the prosecutor or the person accused, and shall refuse or neglect to appear at the time and place for that purpose appointed, without a reasonable excuse for such refusal or neglect, then such person shall forfeit for every such offence any sum not exceeding 5*l.*; and it shall be no objection to any witness that such witness shall have appeared without citation, or without having been regularly cited.

And after reciting that offences may be committed against this Act, or other Acts for making and maintaining highways, bridges, or ferries, by persons unknown to the surveyors or other officers;—

#### It is Enacted,

xlii. That it shall be lawful for any of the trustees of any highway, or any of their clerks or their surveyors or other officers respectively, and such other person as any of them shall call to their assistance, or for any person seeing any offence committed against this or any such Act, without any warrant or other authority than this Act, *brevi manu*, to seize and detain any unknown person who shall commit any such offence, and take such person without delay before the sheriff or any neighbouring Justice of the Peace for the shire where the offence shall have been committed or where such offender shall be seized and apprehended, who shall forthwith examine and discharge or commit such person till caution *de judicio sisti* be found, or all proceed in the summary way above directed, as the case may seem to require.

xliii. That any person who shall think himself or herself aggrieved by any judgment or proceedings of any Justice or Justices of the Peace in the execution of this Act, for which no particular relief has been hereby provided, may, within three months after such judgment or proceedings, but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions, the appellant giving fifteen days' previous notice of such appeal to the opposite party, and to the clerk of the said trustees and the clerk of the Justices of the Peace, and finding caution to pay the expenses of such appeal; and where by this Act the determining of any penalty, forfeiture, or fine, or the determining the amount of any payment, damages, or expenses, or any other matter is committed to any Justice or Justices of the Peace, or to the sheriff, or to the Justices of the Peace assembled at their Quarter Sessions, originally or by appeal, all judgments, determinations, and proceedings of such Justice or Justices



not appealed from as aforesaid, and of such sheriff or quarter sessions, shall be final and conclusive, and shall not be subject to review by advocacy or suspension, or by reduction, or by any process of law or court whatsoever, any law or usage to the contrary notwithstanding.

XLIV. That all warrants, interlocutors, judgments, and sentences of sheriffs and Justices, issued or pronounced under the authority of this Act, may be enforced against the person or effects of any party or witness in any other county, as well as in the county where the same are issued or pronounced: Provided always, that such warrants, interlocutors, judgments, and sentences shall be indorsed by the sheriff or a Justice of the Peace of such other county; and such indorsement shall be sufficient authority to the constables or sheriff's officers of the original county or of such other county to put the same to execution within such other county.

XLV. That all civil causes and prosecutions for penalties, forfeitures, and fines commenced before the passing of this Act, on account of any matter concerning any highway, bridge, or ferry, shall be carried on and concluded in the same manner as if this Act had not been passed; and nothing contained herein or in any local Act shall render it incompetent for any sheriff to hear and determine any civil causes or prosecutions for penalties, forfeitures, and fines on account of any of the matters hereinbefore or in any local Act enacted, according to the provisions of an Act, 7 Will. 4. & 1 Vict. c. 41, intituled 'An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs, in Scotland.'

XLVI. That all civil causes, petitions, complaints, and processes whatsoever, and prosecutions or proceedings, for expenses, penalties, forfeitures, and fines imposed by this Act or any local Act, or for any damages incurred or any wrongs done or injuries suffered in any matter thereto relating, or for anything done in pursuance of any of the powers by this or any such Act given and granted, shall be commenced within six calendar months after the penalty, forfeiture, fine, or damage shall have been incurred, or wrong done or injury suffered, or fact committed, and not afterwards: Provided always, that nothing in this clause contained shall apply to or affect in any way what is above enacted concerning processes and proceedings for the recovery of any sum due or leviable as the conversion of statute service, and the expenses thereof.

XLVII. That nothing in this Act contained shall be construed to extend to apply to the middle district in the county of Edinburgh.

## CAP. XLII.

### AN ACT to enable Canal Companies to become Carriers of Goods upon their Canals.

(21st July 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. *Enabling canal companies to carry goods on their canals, or canals communicating therewith.*
2. *Company to be subject to the bye-laws of any other company upon whose canal they may act as carriers.*
3. *Canal companies may provide bolls and power for hauling and tracking vessels of other persons.*
4. *Tolls, &c. to be charged equally to all persons.*
5. *Company may sue and be sued as carriers, and may prefer indictments.*
6. *Provisions in force relating to common carriers, to apply to such companies.*
7. *Companies empowered to contract with other canal companies.*
8. *Canal companies empowered to lease their tolls.*
9. *Lessees to be deemed collectors.*
10. *Lessee making default to be removed.*
11. *Power to re-let tolls.*
12. *Act not to apply to canals vested in shareholders, until approved of at a meeting, or in other cases by proprietors, and notice inserted in Gazettes, &c.*
13. *Act not to exempt canal companies from any general Act.*
14. *Alteration of Act.*

By this Act,

After reciting that by divers Acts of Parliament railway companies have been empowered to convey upon their railways all such goods, wares, merchandise, articles, matters, and things as may be offered to them for that purpose, and to make such reasonable charges for such conveyance as they may from time to time determine upon: And that greater competition for the public advantage would be obtained if similar powers were granted to canal and navigation companies which have from time to time been incorporated or established under the authority of Parliament; but such beneficial purpose cannot be effected without the authority of Parliament:—

It is Enacted,

1. That from and after the passing of this Act it shall be lawful for the company of proprietors, trustees, or the undertakers of any canal, river, or navigation, or their respective committees, directors, or managers, or their superintendents or

other agents by them duly authorized, to carry as common carriers for their own profit upon their respective canals, rivers, or navigations, or upon any railways or tramways belonging thereto, and constructed under the powers of their respective Acts of Parliament, or upon any other canals, rivers, or navigations communicating therewith, either directly or by means of any intermediate canal, river, or navigation, all such goods, wares, merchandise, articles, matters, and things as may be intrusted to them for that purpose, and for the better enabling them so to do to purchase, hire, and construct, and to use and employ, any number of boats, barges, vessels, rafts, carts, waggons, carriages, and other conveniences, and also to establish and furnish such haulage, trackage, or other means of drawing or propelling the same, either by steam, animal, or other power, or for the purpose of collecting, carrying, conveying, warehousing, and delivering such goods, wares, merchandise, articles, matters, and things, as to any such company or undertakers shall seem fit, and to make such reasonable charges for such conveyance, warehousing, collection, and delivery as they may respectively from time to time determine upon, in addition to the several tolls or dues which any such company or undertakers are now authorized to take for the use of their said canals, navigations or railways.

II. Provided and enacted, That any such company, commissioners, trustees, or undertakers using or employing any steam power for propelling by means of paddle wheels, boats, barges, vessels, or rafts, upon any canal, river, or navigation, (other than their respective canals, rivers, and navigations,) shall use and employ the same, subject to such bye-laws, rules, and regulations touching the construction, dimensions, power, rate of speed, and otherwise, of such boats, barges, vessels, or rafts so propelled by steam as aforesaid as the directors, commissioners, or undertakers of the canals, rivers, and navigations respectively on which such last-mentioned boats, barges, vessels, or rafts shall be used and employed shall see fit to make and publish in that behalf, and they are hereby authorized and empowered to make and publish such bye-laws, rules, and regulations, and from time to time to add to or amend the same, as need may require; but it is hereby expressly provided and enacted that any bye-laws, rules, and regulations so to be made and published shall be made equally applicable to and binding on all companies and persons so using such last-mentioned boats, barges, or other vessels.

III. That it shall also be lawful for any such company, trustees, or undertakers to purchase and provide and use boats and other vessels, and also horses, steam or other power, and machinery for hauling, tracking, and towing, upon their own canals, rivers, or navigations, or upon any other canals, rivers, or navigations communicating therewith, either directly or by means of any intermediate canal, river, or navigation, and to employ a sufficient number of competent persons for those purposes, and to demand and receive for the use of such boats, and for such hauling, tracking, or towing, such reasonable hire or remuneration as shall be fixed by the respective committees, directors, or managers of such canals or navigations, or as shall be agreed upon between them and any person desiring the use of any such boats or vessels, or requiring such hauling, tracking, or towing.

IV. Provided and enacted, That all charges to be made by any such company for the carriage of any such goods, wares, merchandise, articles, or things, or for the use of their boats and other vessels, or for the supply of haulage, trackage, or other power, shall be at all times charged equally to all persons, and after the same rate, whether per mile, or per ton per mile or otherwise, in respect of all goods, wares, merchandise, articles, and things of a like description, and conveyed or propelled in a like boat or vessel at the same rate of speed, and passing along the same portion of any such canal or navigation under the like circumstances, and no reduction or advance in any of such charges shall be made, either directly or indirectly, in favour of or against any particular company or person passing along or using, or sending goods, wares, merchandise, articles, or things along the same portion of any such canal or navigation under the like circumstances.

V. That any canal or navigation company exercising the powers by this Act granted shall have all the same powers and remedies for recovering any sum or sums of money which shall or may become due and owing to such company as carriers, or for the use of any boats or vessels, or for the supply of any haulage, trackage, or other power, by virtue of this Act, as are given to them respectively by their said several Acts of Parliament in reference to the tolls and duties thereby made payable or they may, at their option, sue for and recover such charges, or any part thereof, in any of the superior courts; and such company may in like manner be sued for any loss sustained by any person or persons employing the said company as carriers, or for any neglect or misconduct of such company or their servants in respect of their conduct as carriers by virtue of this Act; and such company may prosecute any indictment or other proceeding at law in respect of any offence arising or being committed in the course of such carrying or other proceeding under this Act; and it shall be sufficient if any goods or other things which are set out in any indictment shall be described and laid to be the property of the said company.

VI. Provided and enacted, That nothing herein contained shall in any case extend to charge or make liable any such company further or in any other case than where, according to the laws of this realm for the time being, common carriers would be liable; nor shall anything herein contained extend to deprive such company of any protection or privilege which either now or at any time hereafter common carriers have or may be entitled to, but such company shall from time to time and at all times have and be entitled to the benefit of every such protection and privilege.

And after reciting that in order to facilitate the conveyance of goods and merchandise and other matters and things in manner aforesaid, it is expedient that canal and navigation companies should be empowered to enter into arrangements with each other in the way that railway companies are authorized, so as to avoid the necessity for a change of boats and other delays arising from a diversity of interest:—

It is Enacted,

VII. That, notwithstanding anything in this Act or in any of the said Acts for establishing or incorporating the said companies contained, it shall be lawful for any such canal or navigation company as aforesaid and they are hereby empowered from time to time to make and enter into any contract or agreement with any other canal or navigation company, or the commissioners or undertakers thereof respectively, (and which contract or agreement such other company is hereby authorized to enter into,) either for the division or apportionment of tolls, dues, and charges, or for the passage over or along their respective canals or navigations, or any branches thereof, or any railways or tramways connected therewith and

belonging thereto as aforesaid, of any boats, barges, or other vessels, or of any carriages or trucks drawn or propelled by steam, animal, or other power, of or belonging to any other company, or which shall pass along any other line of canal, navigation or railway, or for the passage over or along any other line of canal, navigation, or railway of any such boats, barges, or other vessels, carriages, or trucks drawn or propelled as aforesaid, which shall belong to any such company, or which shall pass along their line of canal, navigation, or railway, upon the payment of such tolls and duties, and under such conditions and restrictions, as may be deemed advisable and may be mutually agreed upon, and also to enter into any other contract with any other canal or navigation company that may be deemed advisable; and any such contract may contain such covenants, clauses, conditions, and agreements as the contracting parties may think advisable and mutually agree upon.

VIII. That it shall be lawful for any such canal or navigation company, from time to time, by lease, to take effect in possession within six months from the letting thereof, to let the tolls and duties or any part thereof, upon the whole or any part of any such canal or navigation, or of any such railways or tramways, to any other canal or navigation company, (and which lease such other canal or navigation company is hereby authorized to accept and enter into,) for any period not exceeding twenty-one years from the commencement of any such lease: Provided always, that no such letting shall take place unless public notice of the intention to let such tolls, or the part thereof intended to be let, shall have been given by the company proposing to let the same, by advertisement, at least fourteen days prior to the meeting of the directors or managers at which it shall be intended to let such tolls.

IX. That during the continuance of any such lease the respective lessees named therein, and also all persons appointed by them to collect the tolls so let, shall be deemed collectors of the tolls so let, and they shall have the same powers to collect and recover such tolls, and be subject to the same rules, duties, and penalties in reference thereto, as if they had been appointed for that purpose by the company demising the same.

X. That if any such lease shall become void or voidable, according to any stipulations therein contained for that purpose, by reason of the failure on the part of the lessee to comply with any of the terms of such lease, or if all or any part of the rent thereby reserved shall be in arrear or unpaid for twenty-one days after the same shall become payable, then, upon application made by the company who shall have demised the same, to a Justice, it shall be lawful for such Justice to order any constable, with proper assistance, to enter upon any toll house, dwelling house, office, weighing machine, or other building, with the appurtenances, belonging to the lessors, and remove from the same the lessee or collector or other person found therein, together with his goods, and take possession thereof and of all property found therein belonging to the lessors, and deliver the same to them or any person appointed by them for that purpose.

XI. That upon such possession being obtained it shall be lawful for the company having made such demise to determine the lease (if any) previously subsisting, and the same shall accordingly be utterly void, except as to the remedies of the lessors for payment of the rent due, or in respect of any unperformed or broken obligations or conditions on the lessee's part, all which remedies shall remain in full force; and in every such case, either during such proceedings or on the termination thereof, the company may again let the tolls to the same or any other person, or cause them to be collected in the same manner as if no such former lease had been made relative thereto.

XII. Provided and enacted, That this Act shall not apply to any canal or navigation the property wherein is vested in shareholders, nor shall the powers of leasing hereinbefore contained be exercised by any such canal or navigation company, until a meeting of the shareholders thereof shall have been duly convened in such manner as meetings are by their respective Acts of incorporation or settlement required to be called or are usually called, and it shall have been determined by a majority of two-thirds of the votes of the shareholders in such meeting assembled, either in person or by proxy, when by such Acts of incorporation or settlement voting by proxy is allowed, to adopt the powers and provisions hereby granted, or such and so many of them as it shall at such meeting be determined shall be adopted, or to grant or accept any such lease, nor to any canal or navigation the property wherein is vested in one or more owner or owners, proprietor or proprietors, unless the owner or owners, proprietor or proprietors thereof shall determine to adopt the powers and provisions hereby granted, nor in either case until public notice of any such determination and intention shall have been inserted in the *London Gazette* in respect of canals or navigations in England or Wales, in the *Edinburgh Gazette* in respect of canals or navigations in Scotland, and in the *Dublin Gazette* in respect of canals or navigations in Ireland, and in some newspaper circulating in the county or counties wherein such canal or navigation, or some part thereof, shall pass one month at the least previously to the exercise of any such powers, whereupon, or immediately after the expiration of such notice, every such company, or their respective committees, directors, or managers, or their agents by them duly authorized in manner aforesaid, may from time to time put in force and exercise the said powers or any of them, in the manner by this Act authorized.

XIII. That nothing herein contained shall be construed to exempt any canal or navigation company who shall adopt the powers of this Act from the operation of any general Act regulating the manner of charging tolls and other charge upon canals or navigations in respect of passengers, goods, animals, articles, and things of a like description, which may be passed in the course of any future session of Parliament.

XIV. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

## CAP. XLIII.

## AN ACT for encouraging the Establishment of Museums in large Towns.

(21st July 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Town councils of certain municipal boroughs may purchase lands and erect thereon museums of art and science.*
2. *Town councils may borrow money for purchase of lands, &c.*
3. *Such lands, &c., to vest in town council.*
4. *Rates of admission to public.—Regulations for preserving contents, &c.*
5. *Alteration of Act.*

By this Act,

After reciting that it is expedient to promote the establishment and extension of museums of art and science in large towns for the instruction and amusement of the inhabitants thereof:—

It is Enacted,

I. That it shall be lawful for the council of any municipal borough, the population of which, according to the last account from time to time taken thereof by authority of Parliament, exceeds ten thousand persons, if such council shall think fit so to do, to purchase lands, and to erect thereon buildings suitable for museums of art and science, and to maintain and keep the same in good repair, and to accept any gifts, grants, or devises of lands, tenements, or hereditaments, for the purpose of establishing, improving, or maintaining such museums, or to contribute toward the establishment and maintenance of such museums in any neighbouring borough; and that the costs and charges of such lands and buildings, and the keeping of the same in good repair, and the payment of any principal money or interest borrowed under the authority of this Act, or of such contribution, shall be chargeable upon and paid for out of the borough fund of such municipal borough, and for that purpose the council may levy with and as part of the borough rate, or by a separate rate to be levied in like manner as the borough rate, such sums of money as shall be from time to time needed, so that the whole amount of the borough rate be not increased in any one year for the purposes of this Act by more than one halfpenny in the pound, or if a separate rate be levied so that such rate do not in any one year amount to more than one halfpenny in the pound of the annual value of the property in the borough rateable to the borough rate.

II. That for the purchase of such lands, and for defraying the costs of such buildings as may be erected thereon, or for contributing to the cost of such purchase or building, it shall be lawful for the council of any such municipal borough as aforesaid, from time to time, with the approval of the Commissioners of Her Majesty's Treasury, to borrow at interest the amount of money which may be required for the same, on the security of the borough rates as aforesaid, or the separate rate authorized by this Act.

III. That the lands and buildings so purchased or erected as aforesaid, and also all specimens of art or science, and articles of every description, which may be purchased for or presented to any such museum, and accepted by the council thereof, shall be vested in and held upon trust for ever by the mayor, aldermen, and burgesses of the borough in which such museum shall be situated, and shall be managed by the council of the borough, and kept in fit and proper order, for the benefit of the inhabitants of the borough, and others resorting thereto.

IV. That the council of any such municipal borough may from time to time fix such rates of payment for admission to any such museum as the council may think expedient, not exceeding the sum of 1*d.* for each person admitted, and the amount so raised shall be employed in defraying the salaries of the curators and other persons employed in charge of such museum, and in lighting, warming, cleaning, and otherwise supporting and improving the same; and that the council may make such regulations for the preservation of the contents of such museum, and for the maintenance of order within as may to them seem expedient.

V. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

## CAP. XLIV.

## AN ACT for the better Protection of Works of Art, and Scientific and Literary Collections.

(21st July 1845.)

## ABSTRACT OF THE ENACTMENTS.

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| <ol style="list-style-type: none"> <li>1. <i>Punishment for malicious injury to works of Art, &amp;c.</i></li> <li>2. <i>Malice to be implied.</i></li> <li>3. <i>Apprehension of offenders.</i></li> <li>4. <i>Act not to affect the right to recover damages.</i></li> </ol> | <ol style="list-style-type: none"> <li>5. <i>Accessories punishable as principals.</i></li> <li>6. <i>Act not to extend to Scotland.</i></li> <li>7. <i>Alteration of Act.</i></li> </ol> |
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By this Act,

After reciting that it is expedient to provide for the better protection of works of art, and of scientific and literary collections, and also of public statues and monuments, from wanton injury :—

It is Enacted,

i. That from and after the passing of this Act every person who shall unlawfully and maliciously destroy or damage any thing kept for the purposes of art, science, or literature, or as an object of curiosity, in any museum, gallery, cabinet, library, or other repository, which museum, gallery, cabinet, library, or other repository is either at all times or from time to time open for the admission of the public, or of any considerable number of persons, to view the same, either by permission of the proprietor thereof, or by the payment of money before entering the same, or any picture, statue, monument, or painted glass in any church or chapel or other place of religious worship, or any statue or monument exposed to public view, shall be guilty of a misdemeanour, and, being duly convicted thereof, shall be liable to be imprisoned for any period not exceeding six months, and, if a male, may during the period of such imprisonment be put to hard labour, or be once, twice, or thrice privately whipped, in such manner as the Court before which such person shall be tried shall direct.

ii. That every punishment imposed on any person for an offence against this Act shall apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the thing damaged or destroyed or not.

iii. That any person found committing any offence against this Act may be immediately apprehended, without a warrant, by any other person, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to law.

iv. Provided and enacted, That nothing herein contained shall be deemed to affect the right of any person to recover by action at law damages for the injury so committed.

v. That every person who shall abet, counsel, or procure the commission of any offence against this Act shall be punished as a principal offender.

vi. That this Act shall not extend to Scotland.

vii. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

#### CAP. XLV.

AN ACT to make perpetual and amend an Act of the Fifth and Sixth Years of Her present Majesty, for preventing Ships clearing out from any Port in *British North America* or in the Settlement of *Honduras* from loading any Part of their Cargo of Timber upon Deck.

(21st July 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. *Recited Act, except so much as is hereby repealed, to be made perpetual.*
2. *Repealing so much of the Act as prohibits the lading of cargo upon deck or the sailing without certificate, and as imposes a penalty therefor.*
3. *Clearing officers to ascertain and certify that the cargo of certain ships is below deck.—Captains of such ships not to sail without certificate.*
4. *No part of the cargo of such ships to be placed on deck.—Proviso for removal of cargo in cases of leakage or damage.—Stores not to be taken to be cargo.*
5. *Penalty for offences against this Act.*
6. *Provisions of recited Act respecting indictments and proceedings applied to indictments and proceedings under this Act.*
7. *Alteration of Act.*

By this Act,

After reciting the passing of 5 & 6 Vict. c. 17, and that it is expedient that the said Act should be further continued and made perpetual, but it is necessary that certain amendments should be made therein :—

It is Enacted,

i. That the said Act, except so much thereof as is hereinafter repealed, shall from and after the passing of this Act be continued in force and be perpetual.

ii. That so much of the said Act as enacts that it shall not be lawful for any part of the cargo of any ship or vessel laden with timber or wood goods, and clearing from any British port in North America or the settlement of Honduras between the 1st of September and the 1st of May in each year, to be placed during any part of the voyage on the deck of such ship or vessel, and that no captain or master of any ship or vessel so clearing shall be permitted to sail without first procuring a certificate from the clearing officer that all the cargo is below deck, and so much of the said Act as imposes a penalty upon a captain or other person offending against the provisions thereof, shall be repealed.

III. That before any clearing officer permits any vessel wholly or in part laden with timber or wood goods to clear out from any British port in North America or in the settlement of Honduras, for any port in the United Kingdom, at any time after the 1st of September or before the 1st of May in any year, he shall ascertain that the whole of the cargo of such vessel is below deck, and shall give the captain or other person having command of such vessel a certificate to that effect; and no captain or other person having command of any vessel so laden as aforesaid shall sail from any of the ports aforesaid for any port of the United Kingdom at any such time as aforesaid until he has obtained such certificate as aforesaid from the clearing officer.

IV. That no captain, owner, supercargo, or other person having command of any vessel in respect of which such certificate as aforesaid has been obtained shall place, or permit or cause to be placed, or to remain or be, upon or above the deck of such vessel, any part of the cargo thereof, until such vessel has arrived at the port of her destination: Provided always, that if the captain or other person having command of any such vessel consider that it is necessary, in consequence of the springing a leak or of other damage received or apprehended during the voyage, to remove any portion of the cargo upon deck, he may remove or cause to be removed upon the deck of such vessel so much of the cargo and may permit the same to remain there for such time as he considers expedient: Provided also, that the store, spars, or other articles necessary for the vessel's use, shall not be taken to be cargo for the purposes of this Act.

V. That if any captain or other person having the command of any vessel for which such certificate as aforesaid is hereby required sails or attempts to sail without having obtained such certificate, or places, or permits or causes to be placed, or to remain or be, upon or above the deck of such vessel, any part of the cargo thereof, except in the cases in which the same is not forbidden by this Act, he shall for every such offence forfeit and pay any sum not exceeding 100*l*.

VI. That all the enactments of the said Act respecting indictments, informations, and proceedings in respect of offences alleged to have been committed against the provisions thereof, and respecting proceedings for the recovery of the penalties inflicted thereby, shall be held and taken to apply to all indictments, informations, and proceedings against any person or persons in respect of offences committed or alleged to have been committed against the provisions of this Act, and to all proceedings for the recovery of any penalty incurred or alleged to have been incurred by any person or persons under this Act.

VII. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

#### CAP. XLVI.—IRELAND.

AN ACT for the Appointment of additional Constables for keeping the Peace near Public Works in Ireland.

(21st July 1845.)

#### ABSTRACT OF THE ENACTMENTS.

*Additional head and other constables may be appointed by the Lord Lieutenant to keep the peace near the works of railways, &c. in Ireland.*

*Expense of additional head and other constables to be paid by the company or parties carrying on such works.*

*If the company or parties neglect to pay the expense, it may be recovered at the suit of Her Majesty's Attorney General for Ireland, or by distress and sale of the goods of the company.*

*Alteration of Act.*

By this Act,

After reciting that it is expedient to provide for the appointment and payment of additional head and other constables for keeping the peace, and for the protection of the inhabitants and the security of property in the neighbourhood of railway works and other public works in Ireland:—

It is Enacted,

1. That from and after the passing of this Act, in any case in which the works of any railway, canal, or other public work of a similar nature shall be in progress of construction in Ireland, upon the application of the company or other parties carrying on any such public work, or upon the application of two or more Justices of the Peace of the county acting in the by sessions of the district in or through which any such public work may be in the course of construction, to whom it shall be made appear, on the oath of two or more credible witnesses, that the appointment of additional constables, for the keeping of the peace, and for the protection of the inhabitants, and the security of property, in the neighbourhood of such works, is necessary in consequence of the behaviour or reasonable apprehension of the behaviour of the persons employed in the said works, it shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland, if he or they shall so think fit, from time to time to order and direct that, in addition to the number of head and other constables whom the said Lord Lieutenant or other chief governor or governors of Ireland is or are authorized to appoint by virtue of an Act, 6 & 7 Will. 4. c. 12, intitled 'An Act to consolidate the Laws relating to the Constabulary Force in Ireland,' and the other Acts relating the same, such number of head and other constables as he or they shall think fit, not exceeding in any case the number specified in any such application as aforesaid, shall be appointed and employed during the construction of such public works, in aid of and in conjunction with the said constabulary force in such county, county of a city, county of a town, or town-land, near to the said public works so in progress of construction, as shall be mentioned in the said order, and shall remain

there for such length of time, or remove to or remain at such other place or places near to such public works for such time or times, as shall be mentioned or directed by such order, or any other order or orders which may from time to time be made by such Lord Lieutenant or other chief governor or governors or by the inspector general of the said constabulary force, under the controul and directions of the said Lord Lieutenant or other chief governor or governors; and such constables may in like manner, by any such order, be reduced in number, or wholly removed from the neighbourhood of such works; and the head and other constables so appointed shall, during the period of such employment, have the same amount of pay and allowances, and the same rights, powers and authorities, privileges and advantages, and be subject to the same provision and enactments, rules, regulations, and orders, and be in all respects in the same situation in the county, county of a city, or county of a town in which they shall be stationed, as far as the circumstances of the case will admit, as if they had been appointed to and formed part of the constabulary force established in and for such county, county of a city, or county of a town.

II. That the inspector general of the said constabulary force, with the assistance of the receiver of the said force, shall from time to time, or as often as he shall think convenient, prepare and certify under his hand a detailed account of the expense incurred for the pay, salary, clothing and equipment, lodging, and other allowances of such men so appointed and employed as aforesaid, which expense, when approved and certified by the chief or under secretary of such Lord Lieutenant or other chief governor or governors, the said company or parties, or their agent, shall, upon demand, pay to the said receiver to be placed to the credit of the county, county of a city, or county of a town in which such constables as aforesaid shall have been so employed.

III. That in all cases where the company or other parties carrying on such public work shall refuse or neglect, during fourteen days next after demand thereof, to pay any such expense, or any part thereof, as shall have been so certified and approved as aforesaid, the same shall and may be sued for in any of the superior courts, at the suit of Her Majesty's Attorney General for Ireland, as a debt due to Her Majesty, or, upon production of such account, so certified and approved, before any two Justices of the county, county of a city, or county of a town in which such constables shall have been so employed as aforesaid; and upon proof on oath of such demand made as aforesaid of such company or parties, or any officer superintending such public works, and upon the application of the said receiver of the constabulary force, or any person by him authorized in writing, it shall be lawful for such Justices, by their warrant under their hands and seals (which they are hereby authorized and required to grant), to cause the amount of such account to be levied, together with the expenses levying the same, by distress and sale of the goods and chattels of the company or other parties carrying on such public works as aforesaid; and the surplus, if any, arising from such distress and sale, after deducting the amount of such account together with the reasonable expenses attendant on such distress and sale, shall be rendered to the said company or parties.

IV. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

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## CAP. XLVII.

### AN ACT for the further Prevention of the Offence of Dog Stealing.

(21st July 1845.)

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#### ABSTRACT OF THE ENACTMENTS.

1. *Certain provisions of recited Act repealed.*
2. *Punishment for stealing dogs:—First offence.—Second offence.*
3. *Penalty for having possession of stolen dogs, or of their skins:—First offence.—Second offence.*
4. *Penalty for compounding for offences against this Act.*
5. *Apprehension of offenders.*
6. *Penalty for receiving money to restore stolen dogs.*
7. *Offenders may be remanded, or admitted to bail.*
8. *If penalties not paid Justices to commit offenders.*

By this Act,

After reciting that by 7 & 8 Geo. 4. c. 29. certain provisions were made for the prevention of dog stealing: And that it is expedient, for the further prevention of the said offence, that the provisions of the said recited Act, so far as relates to the stealing, and to dealing with the offenders in respect to the said offence, shall be repealed:—

It is Enacted,

1. That from and after the passing of this Act the said provisions, so far as aforesaid, shall be repealed.

II. That if any person shall steal any dog, every such offender shall be deemed guilty of a misdemeanour, and being convicted thereof before any two or more Justices of the Peace shall for the first offence, at the discretion of the said Justices either be committed to the common gaol or house of correction, there to be imprisoned only or be imprisoned and kept at hard labour for any term not exceeding six calendar months, or shall forfeit and pay, over and above the value of the dog, such sum of money, not exceeding 20*l.*, as to the said Justices shall seem meet; and if any person so convicted shall

afterwards be guilty of the said offence, every such offender shall be guilty of an indictable misdemeanour, and being convicted thereof shall be liable to suffer such punishment, by fine or imprisonment, with or without hard labour, or by both, as the Court in its discretion shall award, provided such imprisonment do not exceed eighteen months.

III. That if any dog, or the skin thereof, shall be found in the possession or on the premises of any person by virtue of any search warrant, to be granted as is hereafter in that behalf provided, the Justice by whom such search warrant was granted may restore the same to the owner thereof, and the person in whose possession or on whose premises the same shall be so found such person (knowing that the dog has been stolen, or that the skin is the skin of a stolen dog,) shall, on conviction before any two or more Justices of the Peace, be liable for the first offence to pay such sum of money, not exceeding 20*l.* as to the Justices shall seem meet; and if any person so convicted shall be afterwards guilty of the said offence, every such offender shall be deemed guilty of a misdemeanour, and punishable accordingly.

IV. That if any person shall publicly advertise or offer a reward for the return or recovery of any dog which shall have been stolen or lost, and shall in such advertisement use any words purporting that no questions will be asked, or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any dog which shall have been stolen or lost without seizing or making any inquiry after the person producing such dog, every such person shall forfeit the sum of 25*l.* for every such offence to any person who will sue for the same, by action of debt, to be recovered with full costs of suit.

V. That any person found committing any offence punishable either upon summary conviction or upon indictment by virtue of this Act may be immediately apprehended without a warrant by any police officer, or by the owner of the dog, with respect to which the offence shall be committed, or by his servant or any person authorized by him, and forthwith taken before some neighbouring Justice of the Peace to be dealt with according to law; and if any credible witness shall prove upon oath before a Justice of the Peace a reasonable cause to suspect that any person has in his possession or on his premises any stolen dog, such Justice may grant a warrant to search for such dog; and any person to whom any dog shall be offered to be sold or delivered, if he shall have reasonable cause to suspect that such dog has been stolen, is hereby authorized, and, if in his power, is required to apprehend and forthwith to convey before a Justice of the Peace the party offering the same, together with such dog, to be dealt with according to law.

VI. That any person who shall corruptly take any money or reward directly or indirectly under pretence or upon account of aiding any person to recover any dog which shall have been stolen, or which shall be in the possession of any person not being the owner thereof, shall be guilty of a misdemeanour, and punishable accordingly.

VII. That any Justice may, if he shall think fit, remand for further examination, or may suffer to go at large, with or without sureties, upon his personal recognizance, any person who shall be charged before him with any offence or misdemeanour punishable by this Act, whether the same be punishable by summary conviction or as an indictable misdemeanour.

VIII. That in every case of summary conviction under this Act where the sum which shall be forfeited for the value of any dog as is hereinbefore provided, or which shall be imposed as a penalty by the Justices, shall not be paid either immediately after the conviction or within such period as the Justices shall at the time of the conviction appoint, it shall be lawful for the convicting Justices to commit the offender to the common gaol or house of correction, there to be imprisoned only or imprisoned and kept to hard labour for any term not exceeding two calendar months where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed 5*l.*, and for any term not exceeding four calendar months where the amount, with costs, shall not exceed 10*l.*, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

## CAP. XLVIII.

### AN ACT to substitute a Declaration for an Oath in Cases of Bankruptcy.

(21st July 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. *Bankrupts may be examined after making and signing declaration.*
2. *Penalty for making false declaration.*
3. *Not to affect right of Commissioners to commit for unsatisfactory answers, &c.*

By this Act,

After reciting that it is highly desirable that oaths shall not be administered unnecessarily by public authority, and there is reason to believe that the examination of a bankrupt or of the wife of a bankrupt before Commissioners in Bankruptcy will be equally effectual for obtaining a disclosure of the truth, and a full discovery of all that can be useful for the benefit of creditors, when such examination is conducted without oath:—



It is Enacted,

I. That all persons who are now or shall be hereafter declared bankrupts under any fiat, or the wives of such persons respectively, shall and may be hereafter examined before such Commissioners without being sworn, but after making and signing the declaration contained in the Schedule hereunto annexed.

II. That if any such person so to be examined shall, in the course of the examination, wilfully make any false statement, such person may be thereupon convicted of a misdemeanour, and shall be, at the discretion of the Court before which the conviction shall take place, liable to undergo the pains and penalties now by law imposed upon persons guilty of wilful and corrupt perjury.

III. Provided and enacted, That nothing herein shall in anywise affect the right of the Commissioners of Bankrupt to judge how far the answers to be made are satisfactory, or to commit to prison in case they shall hold such answers to be unsatisfactory, nor the right of any Commissioner or creditor to withhold his signature from the certificate of conformity.

#### SCHEDULE.

*Form of Declaration to made by the Bankrupt or the Bankrupt's Wife.*

I *A.B.*, the Person declared a Bankrupt under a Fiat in Bankruptcy, [*or I C.D.*, the Wife of, *et cetera*,] do solemnly promise and declare, That I will make true Answer to all such Questions as may be proposed to me respecting all the Property of the said *A. B.*, and all Dealings and Transactions relating thereto, and will make a full and true Disclosure of all that has been done with the said Property, to the best of my Knowledge, Information, and Belief.

(Signed)

*A.B.*

[*or C.D.*, the Wife of the said *A.B.*]

#### CAP. XLIX.

AN ACT to settle an Annuity on Sir *Henry Pottinger* Baronet, in consideration of his eminent Services.  
(21st July 1845.)

By this ACT, it is Enacted,

1. That an annuity of 1,500*l.* be paid to the Right Honourable Sir Henry Pottinger, Bart.
- II. Treasury to direct payment of the annuity.

#### CAP. L.

AN ACT to facilitate the Recovery of Loans made by the *West India* Relief Commissioners.  
(21st July 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. *If default be made in payment of loans or interest, the mortgaged premises may be sold on certain conditions.*
2. *Commissioners may transfer portions of securities.*
3. *Commissioners may compound debts with consent of Treasury.*
4. *Three Commissioners may act.*
5. *Provisions of recited Acts to extend to this Act.*
6. *Alteration of Act.*

By this ACT,

After reciting that by 2 & 3 Will. 4. c. 125, it was (amongst other things) enacted, that it should be lawful for the Commissioners thereby appointed, and their successors, or any three of them, to advance or lend Exchequer bills to the amount therein specified to the owners of estates which had suffered injury from the causes therein specified in the islands of Jamaica, Barbadoes, Saint Vincent, and Saint Lucie, and that the said Commissioners should take such security or securities as therein mentioned for the repayment of any such advances or loans at or before the expiration of ten years from the time of such advances respectively, with interest in the meantime after the rate of 4*l.* per centum per annum, to be paid in manner therein mentioned; and it was further enacted, that if default should be made in repayment of all or any part of such loan or advance or of the interest thereof or any part thereof, any person duly authorized by the said Commissioners might enter upon and

take possession of the property upon which such loan should have been charged, and receive the rents, issues, and profits thereof until the repayment of such loan and the interest thereof, and all costs incidental to such taking possession as therein mentioned; and it was also enacted, that if any default should be made in repayment of all or any part of such loan or advance for which any mortgage should be taken by the said Commissioners as a security, the said Commissioners, or their attorney or attorneys to be appointed for that purpose, upon judgment to be entered up, should take possession of all or any part of the said mortgaged premises, and by sale or mortgage of the same or a competent part thereof raise such a sum as should be sufficient to repay all monies due on such loan or advance, and the interest thereof, and all costs attending such proceedings: And that by 5 & 6 Will. 4. c. 51, the provisions of the last-mentioned Act were extended to the Island of Dominica, so far as the same were applicable: And that by 3 & 4 Vict. c. 40, it was (amongst other things) enacted, that it should be lawful for the said Commissioners for the time being acting in the execution of the said recited Acts, with such consent as therein mentioned, to grant any extension of the time limited for the repayment of any such loan or advance as aforesaid for any period not exceeding ten years from the day originally fixed for payment thereof, with interest after the rate aforesaid, so that every such extension of time be made on certain conditions therein mentioned as to the mode of repayment of such loan, and also subject to an absolute power of sale of hereditaments charged with any such loan to be vested in Her Majesty, her heirs and successors, in manner therein mentioned: And that by 7 & 8 Vict. c. 17, after repealing and altering certain of the provisions contained in the last-recited Act respecting the granting of extension of time, it was by the Act now in recital enacted, that it should be lawful for the Commissioners acting in the execution of the said recited Acts, or any three of them, to make any transfer of any sum of money secured to Her Majesty by virtue of any security made in pursuance of the said recited Acts respectively, and any interest thereon, and to convey the securities for the same unto or in trust for any person or persons who should pay all principal monies secured by such mortgage security as aforesaid, and the interest thereon, in manner therein mentioned: And that it is expedient to make some further provisions for facilitating the recovery of the principal and interest of any loans made or to be made in pursuance of the said recited Acts or any of them, and for making transfers of the securities for the same or any part thereof, and also to enable the said Commissioners for the time being to compound any debts due to them or to Her Majesty in respect of any such loans as aforesaid:—

It is Enacted,

1. That it shall be lawful for the Commissioners for the time being acting in the execution of the said recited Acts, or any of the said Acts, or any person or persons for the time being acting under their direction, or any Commissioners in aid appointed as by the said first-recited Act is mentioned, from time to time to make sale of all or any part of any hereditaments which have been or shall be taken possession of by them or him for nonpayment of any principal or interest, in pursuance of the provisions in that behalf in the said Act, 2 & 3 Will. 4. c. 125. contained, and (as regards any principal monies due) whether judgment shall have been entered up or not, as by the said last-mentioned Act is provided; provided always that no such sale shall be made unless for at least three calendar months previously to such sale there shall have been inserted in the *London Gazette*, and in such public newspaper or newspapers in the colony where the property shall be situated as the said Commissioners shall direct, a notice of the intention of the Commissioners to exercise their power of sale; and any such sale may be made at any time after such three months' notice shall have been given; and any such sale may be made subject to such special conditions as to the title, or the deeds, copies, or other evidences to be produced, the evidence relating to the identity of the property sold, and the mode and times of payment of the money, as the said Commissioners, or the persons acting under their direction, or the said Commissioners in aid, shall think fit; and any contract for sale may be altered or rescinded by the said Commissioners, or such persons respectively as aforesaid, in such manner in all respects as they shall think fit; and any part of the purchase-money may be left on the security of all or any part of the hereditaments sold, or may be secured on any other security; and such securities shall either be made to Her said Majesty as by the said first-recited Act is provided, and with such powers and priorities as by the said first-recited Act is provided, or otherwise as the said Commissioners shall think fit; and no purchaser or other person shall be bound to inquire whether such possession was taken, or any monies were due, or the security of the said hereditaments sold; and any such monies (when any such sale shall be made out of England) may be paid to such person or persons as the said Commissioners shall, either before or after such sale, authorize to receive the same, whose receipts in writing shall be sufficient discharges to the persons paying the same; but any monies due on any security to be made as last aforesaid shall be paid into the Bank of England in manner directed by the said first-recited Act, and any securities which may be taken for any part of such purchase-money may be released or otherwise transferred by the said Commissioners in all respects as if the same were an original security taken under the said recited Acts.

11. That it shall be lawful for the Commissioners for the time being acting in the execution of the said recited Acts from time to time to make any transfer of any part of any sum or sums of money secured to or owing to Her Majesty, under or by virtue of any security made in pursuance of the said recited Acts or any of them, and either before or after such sum or sums shall be actually due and any interest thereon, and to convey and assure or declare trusts of such proportionate part, either divided or in severally, as they the said Commissioners shall think fit, of the securities for the same sum or sums, unto or in trust for any person or persons who shall pay and discharge any part of the principal monies due or secured by such mortgage security as aforesaid, and the interest thereon; and any such sum or sums of money to be paid in consideration of such transfer as aforesaid shall be paid into the Bank of England, and in all respects as by the said first-recited Act is provided with respect to the repayment of the monies to be secured by virtue of the provisions of that Act; and the person or persons to whom any such transfer or disposition as aforesaid shall be made, his or her heirs, executors, administrators, and assigns, shall, under or by virtue thereof, to the extent to which the same shall be thereby conceded or granted by the said Commissioners, be entitled to all such and the same priorities, privileges, powers, and securities in respect of such monies and hereditaments transferred and assured as by the said recited Acts or any of them are given to Her Majesty, or the said Commissioners or any of them, or which Her said Majesty, her heirs and successors, or the said Commissioners acting in the execution of the said recited Acts, would have had in case no such transfer had been made, and that either subject and without prejudice to, concurrently with, or with priority over the priorities, privileges, powers, and rights of Her said Majesty, her heirs and successors, and of the said Commissioners, or any other persons to whom any other part of the monies or securities may be

transferred and assured, in respect of the residue of any such principal monies, and the interest thereof, and the securities for the same, which shall remain due and vested in Her said Majesty, her heirs and successors, or the said Commissioners, or be so transferred and assured as aforesaid.

III. That it shall be lawful for the Commissioners for the time being acting in the execution of the said recited Acts, with the consent in writing of the Lord High Treasurer for the time being, or the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three of them, by warrant under his or their hand or hands, to compound any debt or debts on account of any loan or advance made or hereafter to be made under or in pursuance of the said recited Acts or any of them, and to stay any proceedings for the recovery of the same, upon payment of such sum or sums of money, and upon such terms and conditions, as they may think fit, such sum or sums of money to be paid into the Bank of England in all respects as by the said first-recited Act is provided with respect to the repayment of the monies to be secured by virtue of the provisions of that Act; and that upon any such payment being duly made as aforesaid it shall be lawful for the said Commissioners acting in execution of the said recited Acts to make and execute such releases and reconveyances of the debt which shall have been so compounded as aforesaid, and the interest thereof, and the securities for the same, as if the full amount of the debt so compounded, and all interest for the same, had been duly paid and discharged.

IV. That any act, matter, or thing hereby authorized to be done may be done by any three of the said Commissioners for the time being, and that the execution of any deed or instrument, either in pursuance of this Act or of any of the said recited Acts, and whether already executed or hereafter to be executed, referring to or reciting any warrant, authority or assent of the Lord High Treasurer, or of three of the Commissioners of Her Majesty's Treasury, either made in pursuance of this Act or of any of the said recited Acts, shall be evidence of such authority or assent; and the execution of any deed or other instrument, already executed or hereafter to be executed, purporting to be executed by the said Commissioners or any three of them, shall be taken as evidence that such Commissioners so executing were duly appointed.

V. That all and every the several clauses, powers, provisions, enactments, penalties, and restrictions in the said Acts contained, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act, and to everything to be done in pursuance of this Act, and as if all such clauses, powers, provisions, and enactments were herein repeated and set forth.

VI. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

#### CAP. LI.—IRELAND.

AN ACT to enable Archbishops and Bishops in *Ireland* to charge their Sees with the Costs incurred by them in defence of their Rights of Patronage, in certain Cases; and also to enable Tenants for Life and other Persons having limited Interests in Estates in *Ireland* to charge said Estates with the Costs incurred by them in asserting their Rights to Ecclesiastical Patronage in certain Cases.

(31st July 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. Every archbishop and bishop, defendant in actions for rights of patronage, may charge the costs of such actions on the revenue of the see.—Judge to certify for costs.
2. On obtaining Judge's certificate, money for defraying costs, &c. may be raised by mortgage.
3. Mortgage to contain a covenant for payment of principal and interest.
4. For recovery of monies due on mortgages.
5. No mortgages to recover more than one year's interest, &c. after avoidance.
6. For regulating payment of principal and interest, and proportions of interest on avoidance.—Principal monies may be charged on estates of the see in trust, in lieu of borrowing.
7. Mortgages not to interfere with power of leasing.
8. Who may charge costs of quare impedit.—Such costs to be determined by Master of Common Pleas in Ireland.
9. Costs to be charged on lands, &c. specified in Master's certificate.
10. Liability of such lands, &c. limited.
11. Plaintiff may charge his costs, &c. if nonsuited, provided the Judge certifies that they ought to be charged.
12. Construction of Act.
13. To what suits provisions of this Act shall extend.

By this Act,

After reciting that by 3 & 4 Will. 4. c. 27, it was amongst other things enacted, that after the 31st of December 1833, no person should bring any *quare impedit* or other action or any suit to enforce a right to present to or bestow any ecclesiastical benefice, as the patron thereof, after the expiration of 100 years from the time at which a clerk should have obtained possession of such benefice adversely to the right of presentation or gift of such person, or of some person through whom he claims, or of some person entitled to some preceding estate or interest, or undivided share, or alternate right of presentation or gift, be

or derived under the same title, unless a clerk should subsequently have obtained possession of such benefice on the presentation or gift of the person so claiming, or of some person through whom he claimed, or of some other person entitled in respect of an estate, abate, or right held or derived under the same title; and that by 6 & 7 Vict. c. 54. it was amongst other things thereby enacted, that after the 1st of January 1844, the several clauses and enactments in the said first-mentioned Act and therein-before recited, relating to any right to present to or bestow any church, vicarage, or any other ecclesiastical benefice, (the clause thereof providing that the said Act, so far as it related to any such right, should not extend to Ireland, always excepted), should extend and apply to Ireland, and that as fully and effectually as if the said clauses and enactments were thereby repeated, substituting for the said date of the 31st of December 1833 the date of the 1st of January 1844; and it was by the said last-mentioned Act further declared and enacted, that the said last-mentioned Act should not be prejudicial or available to or for any plaintiff or defendant in any action or suit already commenced, or on or before the said 1st of January 1845 to be commenced, relating to any right to present to or bestow any church, vicarage, or other ecclesiastical benefice in Ireland; and that in consequence of the provisions of the said Acts numerous actions of *quare impedit* and proceedings have been brought and instituted, and are now depending, for the purpose of determining the right of presentation to divers ecclesiastical benefices and preferments in Ireland, by persons whose claims to exercise such right would but for the instituting of such proceedings have been barred by the provisions of the aforesaid Acts: and that numerous actions and proceedings have been brought and instituted and are now pending against archbishops and bishops in Ireland, for the recovery of advowsons and rights of presentation to ecclesiastical benefices and preferments in their dioceses the patronage whereof has been for long and uninterrupted periods exercised by them and their predecessors in right of their sees, and the said archbishops and bishops have been and will be put to heavy expenses in preparing to defend and in defending in the said actions and proceedings their rights of patronage for themselves and their successors; and it is just and expedient that they should be enabled to charge such expenses on the estates of their respective sees, subject to the regulations hereinafter provided:—

It is Enacted,

I. That every archbishop and bishop in Ireland, defendant in any action of *quare impedit* or other action or suit already brought or instituted against him, and which was pending on the 16th of June 1845, or on which any writ of error or appeal was then pending, for the recovery of the right of presentation to or patronage of any ecclesiastical benefice or preferment the patronage whereof has heretofore been enjoyed by him or his predecessors in right of his see or of any see united thereto, shall be entitled to charge the amount of all costs reasonably incurred by him in or about the preparation and conduct of and consequent upon his defence to such action or suit, including, if occasion shall be, his costs incidental to any appeal or writ of error from any judgment therein, (and which costs respectively he shall not be enabled to recover from the plaintiff or plaintiffs, in such action, suit, or appeal, or writ of error, with the costs also of creating any securities hereby authorized to be made,) upon the estates or other revenues of his see, in manner hereinafter directed; provided that a Judge before whom such action or suit shall have been first tried, or by whom the same shall have been first determined, shall certify by writing under his hand, to be deposited and preserved in the registry of the diocese, that such archbishop or bishop had probable cause for defending such action or suit, and that he ought to be allowed to charge his costs under the provisions of this Act; and that the presiding Judge of any court of error, or the Speaker of the House of Lords in cases of appeal or writ of error there prosecuted, shall in like manner certify that there was good ground of prosecuting or defending such appeal or writ of error; and if any such action or suit, appeal or writ of error, shall be dismissed, abated, or discontinued before any trial or determination thereof, or the plaintiff shall be nonsuited therein, then a certificate, signed by a Judge of the court in which such action or suit has been brought or instituted, shall be effectual for the purposes aforesaid; and that no Judge shall be precluded from considering an archbishop or bishop, grounding his defence to any such action or suit upon previous presentations or collations only, to have had probable cause for such defence; provided also, that the amount of costs to be charged under the authority of this Act shall be determined and certified by some officer to whom the taxation of costs between the plaintiff and defendant in such action or suit shall or would be referable, and that his certificate shall be also deposited in the registry of the diocese.

II. That after such certificates as aforesaid shall have been obtained by any archbishop or bishop, and deposited in the registry of his diocese, (which certificate shall, for the purposes of the securities hereby authorized to be made, be conclusive evidence of his authority to raise the amount certified by such taxing officer to be due to him,) it shall be lawful for him to raise, by way of loans, for his benefit and reimbursement, the same amount, or any part or parts thereof, and all costs incident to the execution of these present authorities, from any persons or corporations willing to advance the same, and, as a security for the money to be so raised, by any deed or deeds, duly sealed and delivered by him, and also registered in the registry of his diocese, to demise any messuages, lands, towns, tenements, tithes, rents-charge, or other rents and hereditaments of or belonging to his see, to the persons or corporations advancing the same money, or to such person or persons as they respectively may appoint, by way of mortgage, for any term or terms of years, subject to proper provisions for the ceasing of every such term on payment of the principal money to be so borrowed, with interest thereon, to the persons or corporations who shall advance the same, their executors, administrators, successors, or assigns, at the times and in the manner hereinafter mentioned; (that is to say,) the interest thereof, or of so much thereof as shall from time to time remain unpaid, at such rate as shall be agreed upon, to be paid on the half-yearly days to be therein appointed, and one-thirtieth part of the principal money at the end of the third year from the determination of the action or suit, or the ceasing of the proceedings with respect to which the said costs shall have been incurred, and a like thirtieth part of the principal money at the end of each of the succeeding twenty-nine years, which mortgage or mortgages shall bind every succeeding archbishop or bishop of the same see, until the principal money and interest thereby secured shall be paid off and discharged, as fully and effectually as if such mortgage had made or executed the same.

III. That every such mortgage shall contain a covenant from the archbishop or bishop making the same, for himself, his heirs, executors, and administrators, to pay and keep down so much of the said principal money and interest as shall become payable upon such mortgage or mortgages during his continuance in his said see.

iv. That it shall not be lawful for any mortgagee under the foregoing authorities to enter into the possession of the mortgaged hereditaments or any part thereof until some principal money or interest secured by any such mortgage or mortgages shall be in arrear and unpaid for more than forty days after the same respectively shall have become due, but that when and so often as there shall be any such arrear it shall be lawful for the mortgagee or mortgagees, his, her, or their executors, administrators, successors, or assigns, to recover the monies so in arrear, together with the costs and charges attending the recovery thereof, upon or out of the mortgaged hereditaments, by distress and sale, in such manner as rent service may by law be recovered, or by entering on and receiving the rents and profits of the same hereditaments, until full payment of the same arrears and costs and charges respectively.

v. Provided and enacted, That no mortgagee or mortgagees of the lands or possessions of any see under the foregoing provisions shall after any avoidance thereof be entitled to recover from the hereditaments therein comprised more than one year's interest accrued before such avoidance upon any principal sum due thereon, or more than one instalment of principal money which shall have previously fallen due.

vi. That every archbishop and bishop making any such mortgage as aforesaid, and his successors, shall pay the principal and interest monies thereby secured at the times and in manner thereby appointed for the said purposes, or so much of the same monies respectively as shall from time to time be due; and that upon every avoidance which shall happen of the see during the subsistence of any such security the archbishop or bishop avoiding the same, his heirs, executors, or administrators, shall pay so much of the accruing half-yearly payment of interest, if any, not actually due at the time of such avoidance, as shall be in proportion to the time which at such avoidance shall have elapsed of the current half year, and, in case such avoidance shall happen in any year at the end of which any instalment of the said principal sum shall be due, shall also pay so much of the annual instalment then accruing of the said principal sum as shall be in proportion to the part which at such avoidance shall have elapsed of the current year of the security: Provided also, that it shall be lawful for the archbishop or bishop who shall be entitled to charge any such principal monies as aforesaid on the security of the possessions of his see, in lieu of borrowing the same, to grant to any trustee or trustees for himself any such security for the same monies, and interest thereon at any rate not exceeding 4l. per centum per annum, as he might have granted to any person or corporation advancing the same monies; and that if any archbishop or bishop entitled to charge any principal and interest monies upon the possessions of his see under the provisions of this Act shall die without having fully exercised or relinquished his power, and before the expiration of one year from the time at which the same power shall have arisen, it shall be lawful for his executors or administrators to exercise the same power to the like extent as he might himself have done if still living, for the benefit and increase of his personal estate; and that if any such archbishop or bishop shall die within three calendar months next after the determination of any action or suit, or the cesser of the proceedings in or with reference to which he shall have incurred any costs, which, if living, and having obtained such certificates as aforesaid, he might have charged on the possessions of his see, then and in such case his executors or administrators shall be at liberty to apply for such certificates, and after obtaining the same to create any such security for the benefit of his personal estate as he might himself have created for the amount of such costs and interest thereon.

vii. Provided and enacted, That notwithstanding any such mortgage or mortgages as aforesaid it shall be lawful for the archbishop or bishop who shall have made the same, and his successors, from time to time to make such contracts and agreements for leases, and to grant such leases, as he or they might have entered into or executed in case the said mortgage or mortgages had not been made.

And after reciting that many such writs of *quare impedit* have been sued out and proceedings instituted by persons who under family settlement or otherwise, would only be entitled to a life estate or other limited interest in the advowsons or right of presentation to the ecclesiastical benefices to recover which the said writs have been sued out and proceedings instituted and it is just and expedient that the said plaintiffs in such actions should be enabled, under certain restrictions, to charge the reasonable costs and expenses incurred by them in prosecuting such claims upon the estates of those who would be entitled in remainder to such advowsons or right of presentation:—

It is Enacted,

viii. That it shall and may be lawful for every person who has now sued out any writ of *quare impedit* or instituted or brought any other action or suit to recover the right of presentation to or patronage of any ecclesiastical benefice or preferment in Ireland, and who shall in such action or suit finally establish his right to such advowson, presentation, or patronage, and who shall be by any family settlement or otherwise entitled only to a life estate or other limited interest in or to the advowson or right of presentation or patronage in respect of which he shall so establish his right, shall be entitled to charge all such costs as he shall have incurred in the bringing and prosecuting of such actions, and all costs incidental thereto, including the cost incident to any appeal or writ of error therein, and over and above all such costs as he shall be entitled to recover from the defendant or defendants in such action, upon the fee and inheritance of the said advowson, right of presentation, or patronage and also upon the remainder, fee, or inheritance of all lands, tenements, and hereditaments of which he shall be seised of the same estate as in the said advowson, right of presentation, or patronage, and which are or shall be settled to the same use as the said advowson, right of presentation, or patronage: Provided always, that the amount of costs to be charged under the authority of this Act shall be determined and certified by the Master of the Court of Common Pleas in Ireland, whose certificate shall be final and conclusive, for the purpose of the securities hereby authorized to be made, that the amount specified in such certificate was properly and necessarily incurred.

ix. That it shall be lawful for any plaintiff having obtained any certificate as aforesaid, and which certificate shall be deposited in the office for registering deeds in Ireland, by deed under his hand and seal to charge the said lands, tenement and hereditaments which by this Act he is authorized to charge with the amount specified in such certificate; and such charge, subject to all prior incumbrances affecting the said lands, tenements, or hereditaments, shall, on being registered in the office for registering deeds in Ireland, pursuant to the statutes for that purpose, be as valid and effectual to all intents and purposes as if made by a person having the absolute interest in the said lands, tenements, and hereditaments; and that

shall and may be lawful for the said plaintiff to exercise such power of charging such lands in favour of any person that he may think fit, either as a security for the loan of money or otherwise; and that such charge so created shall bear interest from the day of the registration of the deed creating same, at a rate not exceeding 5*l.* per centum per annum, and shall be capable of being assigned and transferred.

X. Provided and enacted, That it shall not be lawful for any person entitled to the said charge to proceed to raise the amount of the same by sale of any of the lands, tenements, and hereditaments upon which same shall be so charged, during the continuance of the life estate of the person so creating said charge, nor shall it be lawful for such person, at the determination of the said life estate, to charge more than one year's arrear of interest accruing during the said life estate, upon the inheritance or remainder in the said lands; and that it shall be lawful for the person entitled to such charge, whenever one year's interest shall be in arrear, to apply by petition, verified by affidavit, to a court of equity in Ireland, stating the facts, and it shall and may be lawful for such court of equity, on being satisfied that such charge has been rightly created under this Act, and that one year's interest is due thereon, to appoint a receiver over all or a competent part of the lands, tenements, and hereditaments included in such charge, for the purpose of paying such interest, or if a receiver be already appointed over such lands, then to extend the said receiver to the matter of such petition.

XL That in case a verdict shall be had against any plaintiff, tenant for life as aforesaid, in any such suit or action, or the plaintiff be nonsuited, or judgment shall be given against such plaintiff, or such action shall be discontinued, dismissed, or abated before any trial thereof, it shall and may be lawful for such plaintiff to charge all such reasonable costs and expenses which he shall incur in such actions, including the costs of any appeal or writ of error from any judgment therein, together with all costs to which the plaintiff may become liable, upon such lands, tenements, and hereditaments, (except the said advowson,) as he would have been entitled under the provisions hereinbefore contained to charge his costs if he had been successful in said suit; provided that the Judge before whom such action shall be tried, in case of a verdict or nonsuit in a trial at Nisi Prius before a single Judge, and in all other cases the chief Justice of the Court of Common Pleas in Ireland, shall certify by writing under his hand that the said plaintiff had probable cause for instituting such proceedings, and that such costs ought properly to be charged upon the lands, tenements, and hereditaments by this Act made chargeable therewith; and upon the obtaining of such certificate the like reference shall be made to the Master of the Court of Common Pleas to ascertain the amount of such costs, and the like proceedings in all respects had, as hereinbefore provided in the case in which the plaintiff shall succeed, and with the same force and effect in all respects as is hereinbefore provided with regard to the same: Provided always, that the certificate of the Judge or Lord Chief Justice, as the case may be, shall be deposited, in such case, together with the Master's certificate of the amount of such costs, in the office for registering deeds in Ireland.

XII. That the word "plaintiff" in this Act shall be deemed and construed to include the case in which more than one person is plaintiff; and that, except where the provisions or context of this Act exclude such construction, every word importing the singular number only shall extend and be applied to mean several persons and things as well as one person and thing; and that every word importing the masculine gender only shall extend and be applied to a female as well as a male.

XIII. That all the provisions of this Act shall extend and be applied to all such cases in which proceedings have been taken or suits commenced for the recovery of the advowsons or of right of presentation to any ecclesiastical benefice in Ireland in the names of any person or persons as trustees, where the immediate *cestui que trust* would be only tenant for life of such advowson; and that for the purposes of this Act all such proceedings shall be deemed to have been taken and such actions instituted in the name of the said tenant for life, who shall have the same power of charging the costs and expenses incurred by him or by such trustees, upon any lands, tenements, and hereditaments of which he is tenant for life, as if the said proceedings had been brought in the name of such tenant for life, and not in the name of said trustees.

## CAP. LII.

## AN ACT for the Relief of Persons of the Jewish Religion elected to Municipal Offices.

(31st July 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Persons professing the Jewish religion, on accepting the office of mayor, &c., to make a declaration.—Declaration.*
2. *Declaration to be as valid as that of 9 Geo. 4. c. 17.*

By this Act,

After reciting that the declaration prescribed by 9 Geo. 4. c. 17, upon admission into office in municipal corporations, cannot conscientiously be made and subscribed by persons of the Jewish religion:—

It is Enacted,

1. That instead of the declaration required to be made and subscribed by the said recited Act, every person of the Jewish religion be permitted to make and subscribe the following declaration within one calendar month next before or upon his

admission into the office of mayor, alderman, recorder, bailiff, common councilman, councillor, chamberlain, treasurer, town clerk, or any other municipal office in any city, town corporate, borough, or cinque port, within England and Wales or the town of Berwick-upon-Tweed:

'I, A.B., being a Person professing the Jewish Religion, having conscientious Scruples against subscribing the Declaration contained in an Act passed in the Ninth Year of the Reign of King George the Fourth, intituled, *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments*, do solemnly, sincerely, and truly declare, That I will not exercise any Power or Authority or Influence which I may possess by virtue of the Office of \_\_\_\_\_ to injure or weaken the Protestant Church as it is by Law established in England, nor to disturb the said Church, or the Bishops and Clergy of the said Church, in the Possession of any Right or Privileges to which such Church or the said Bishops and Clergy may be by Law entitled.'

11. That such declaration shall, with respect to any such office, be of the same force and effect as if the person making it had made and subscribed the declaration aforesaid contained in the said Act, 9 Geo. 4. c. 17.

### CAP. LIII.—IRELAND.

AN ACT to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, certain Turnpike Acts.

(31st July 1846)

By this Act,

Every Act now in force for regulating, making, amending, or repairing any turnpike road in Great Britain, which will expire on or before the end of the next session of Parliament, is continued until the 1st of October 1846, and to the end of the then next session of Parliament; except such Acts for making, repairing, or regulating any turnpike road or roads as shall be sooner repealed under the provisions of 7 & 8 Vict. c. 91. s. 34.

### CAP. LIV.—IRELAND.

AN ACT to amend the Laws in force in *Ireland* for Unions and Divisions of Parishes; for the Settlement of the Patronage thereof, and the Celebration of Marriages in the same.

(31st July 1845)

#### ABSTRACT OF THE ENACTMENTS.

1. The Lord Lieutenant and Privy Council in Ireland, with the consent of the archbishop, bishop, and patrons, may unite parts of one or more parishes to any other parish or parishes.
2. When new unions are created, the Lord Lieutenant and Council, with the assent of the archbishop, bishop, and patrons, may make a settlement of the patronage.—The consent of the Crown as patron may be given by the Lord Lieutenant.
3. In cases of divisions of parishes, &c. power to apportion charges for improvements on glebes, &c.
4. The division of the union of Burnchurch shall, if so ordered by the Lord Lieutenant and Council, take effect forthwith.
5. Providing for celebration of marriages, until a parish church is erected in any disunited or newly erected parish.
6. Alteration of Act.

By this Act,

After reciting that by 7 & 8 Geo. 4. c. 48, it is amongst other things enacted, "That it shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland for the time being, with the assent of the major part of His Majesty's Privy Council in Ireland in Council assembled, six at least assenting, and with the advice and approbation of the archbishop of the province and the bishop of the diocese, certified under their hands and archiepiscopal and episcopal seals, with the consent of the respective patrons, certified under their hands and seals, attested by two or more credible witnesses subscribing thereunto, to divide old parishes, or to separate any parish or part of a parish heretofore united, in whatever manner such union may have been effected, and to unite parishes one to another, or any part of a parish to another parish or part of a parish, in perpetuity, and to erect such divided or united parishes or parts of parishes into new parishes, with all parochial rights:" And that it is expedient that the said provision should be extended:—

It is Enacted,

1. That it shall be lawful for such Lord Lieutenant or other chief governor or governors, with assent of the major part of the Privy Council as aforesaid, in like manner, and with such advice, approbation, and consent respectively as aforesaid, certified or attested as aforesaid, to unite parts of one or more parishes to any other parish or parishes or part or parts of a

parish or parishes, and to erect such united parishes or part or parts of a parish or parishes, or such unions, into new parishes, with all parochial rights; and all such unions made under this Act shall be subject to the several provisions of the said recited Act in respect to unions made under that Act, save and except so far as the same would be repugnant to this Act: Provided always, that nothing in this provision contained shall be construed to prejudice the powers in the said recited Act contained as to unions or divisions of parishes.

And after reciting that by the said recited Act it is amongst other things also enacted, "That when two or more churches or parishes shall be united into one, in pursuance of the said Act, the same having formerly had distinct patrons, in such cases the Lord Lieutenant or other chief governor or governors of Ireland for the time being, and Privy Council, with the advice and approbation of the respective archbishop and bishop in whose province and diocese the said churches were situate, shall divide the patronage by turns among the patrons, giving to each of them a right to present oftener and seldomer, according to the true yearly value of the respective parish or parishes whereof they are patrons, the consent of each patron being first had, and entered in the instrument for erecting the said union; and such settlement or settlements as aforesaid shall be final and binding to all patrons, whether ecclesiastical or lay patrons, and to all parties for ever; reserving always unto every archbishop and bishop, registrars and schoolmasters, their respective dues payable out of every such parish so united: Provided always, that where the Queen's Majesty, her heirs and successors, is or shall be entitled to the presentation of any of the said parish churches so to be united, he and they shall, from and immediately after such union, upon the then first vacancy, have the first presentation of an incumbent unto such united church, and afterwards, upon the then next vacancy, the other respective patrons severally, as the Lord Lieutenant or other chief governor or governors and Council aforesaid, with the advice and approbation aforesaid, shall direct and appoint, regard being had to the respective values of the several parishes so to be united as aforesaid, and so in course respectively in manner aforesaid:" And that it is expedient that further provision should be made for the settlement of the patronage of ecclesiastical unions;—

It is Enacted,

II. That where, in pursuance of the said recited Act or this Act, two or more churches or parishes shall be united into one, where any parish or part of a parish or parts of parishes shall be united to any other parish or parishes or part of a parish or parts of parishes, in every such case it shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland for the time being, with the assent of Her Majesty's Privy Council in Ireland as aforesaid, if he and they shall so think fit, and with the advice and approbation of the archbishop and the bishop in whose province and diocese the said churches, parishes, part or parts of a parish or parishes, are situate, certified under their hands and archiepiscopal and bishop's seals, and with the consent of each patron or person, or body politic, corporate, or collegiate, whose ecclesiastical strongholds shall be in anywise affected by the creation of such union, (every such consent to be first had, and entered in the instrument for erecting the said union,) to make and establish such a settlement or distribution of the patronage of such union, and of the patronage of all unions and parishes from which any parish or parishes or any part of a parish or any parts of parishes have been severed in order to create such union, as in the opinion of such Lord Lieutenant or other chief governor or governors and Privy Council as aforesaid the justice of the case shall require; and every such settlement or distribution shall be final and binding to and upon all patrons, whether ecclesiastical or lay patrons, and to and upon all parties for ever; reserving always unto every archbishop and bishop, registrar and schoolmaster, their respective dues payable out of every such parish or part of a parish so united: Provided always, that in every case where the consent of the Queen's Majesty, her heirs or successors, is to be given to any such settlement or distribution of patronage, or to making any union, under this Act, the consent in that behalf of the Lord Lieutenant or other chief governor or governors of Ireland, under his or their hand and seal or hands and seals, shall to all intents and purposes be as good and valid in law as if the consent of Her Majesty, her heirs or successors, had been thereunto signified by letters patent under the Great Seal of Ireland.

III. That in case the Lord Lieutenant or other chief governor or governors of Ireland and Privy Council shall by virtue of the powers in that behalf in them vested under any Act now in force or under this Act divide old parishes, or separate any parish or part or parts of a parish or parishes heretofore united, and in case the incumbent of any union or parish or part of a parish divided or separated shall by virtue of any law or statute be entitled to receive from the next successor of such incumbent in such union, parish or parishes, or part thereof, any sum or sums of money on account of any purchase of or addition to glebes, or of any buildings or improvements, or of money paid by such person to his immediate predecessor on such accounts respectively, then and in every such case it shall and may be lawful for such Lord Lieutenant or other chief governor or governors and Privy Council to order and direct that such sum or sums of money shall be charged and chargeable, such shares and proportions as they shall think just and reasonable, upon the several parishes or part or parts of parishes respectively theretofore united; and such shares and proportions shall be paid and payable by the several incumbents of such parishes respectively, or part or parts of parishes respectively, to such person and at such times and in such manner as the whole of such sum or sums of money would have been payable by virtue of any law or statute in force in Ireland in case such union or separation had not taken place: Provided always, that it shall and may be lawful for every such incumbent or his person, or his representatives, having paid any such share or proportion in manner aforesaid, to receive and recover from his next and immediate successor such part of such share and proportion, at such time, and by such ways and means, as if such share or proportion had been paid by him to his next and immediate predecessor by virtue of any law or statute in force in Ireland, unless there shall be any provision to the contrary thereof contained in such order of such Lord Lieutenant or other chief governor or governors and Privy Council as aforesaid, in which last-mentioned case such part of such share or proportion shall not be recoverable from such successor.

And after reciting that it is expedient, and hath been agreed between and by the Archbishop of Dublin and the Bishop of Eghlin, Ferns, and Ossory, and the present incumbent of the Ecclesiastical Union of Burchurch, hereinafter mentioned, situate in the diocese of Ossory and county of Kilkenny (in case the consent and approbation of the said Lord Lieutenant or other chief governor or governors and Privy Council should be given thereto), that the said union should be divided, and that such division should be made to take effect forthwith;—



It is Enacted,

iv. That every order or instrument to be made or executed in pursuance or by virtue of the said Act, 7 & 8 Geo. 4. c. 43, and of this Act, or of any of them, for or in respect of the division of the said Ecclesiastical Union of Burnchurch, or in relation to making any new union, to be composed wholly or in part of any part or parts of such present union of Burnchurch, or in relation to the Ecclesiastical patronage affected or to be affected by such division or any such new Union as last aforesaid, shall come into operation and take effect from and immediately after the making or execution of such order or instrument, or at such time or times as may be appointed in such order or instrument, as fully and effectually, to all intents and purposes, as the same would under the said recited Act or this Act come into operation or take effect upon the decease of the then incumbent or incumbents of all and every or any parish, parishes, or part or parts of a parish or parishes affected thereby.

And after reciting that under the provisions of the said recited Act, and other Acts for the dissolution of unions of parishes in Ireland, certain parishes have been disunited, and constitute distinct benefices, in each of which benefices so disunited a parish church has not as yet been built: And that under the provisions of this present Act, parishes may be disunited, and new parishes may be erected in which churches have not as yet been built;—

It is Enacted,

v. That, until a parish church be built in any such disunited or newly erected parish, marriages of parties dwelling therein may be celebrated, according to the rites of the United Church of England and Ireland, in the parish church of any adjoining parish.

vi. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

#### CAP. LV.—IRELAND.

AN ACT to continue for Two Years, and to the End of the then next Session of Parliament, and to amend, an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty George the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty George the Third, for preventing the administering and taking unlawful Oaths in Ireland.*

(31st July 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. *Last-recited Act continued for one year, as hereby amended.*
2. *So much of last-recited Act as enacts that persons having in possession copies of passwords, &c., shall be deemed guilty of unlawful combination, &c., repealed.*
3. *Alteration of Act.*

By this Act,

After reciting the passing of 50 Geo. 3. c. 102: And that the said Act was amended by 4 Geo. 4. c. 87: And that the provisions of the said last-recited Act were extended and rendered more effectual by 2 & 3 Vict. c. 74: And that by 7 & 8 Vict. c. 78. the said last-recited Act was continued for the further period of one year from the 1st of September 1844, and will expire on the 1st of September in this present year; and it is expedient that the same should be further continued and amended as hereinafter provided;—

It is Enacted,

I. That the said last-recited Act, 2 & 3 Vict. c. 74, subject to the amendment hereinafter contained, shall be and continue in full force and effect for the further period of two years from the said 1st of September in this present year, and until the end of the then next session of Parliament.

II. That from and after the passing of this Act so much of the said last-recited Act, 2 & 3 Vict. c. 74, as enacts, that any person who after the day therein mentioned shall knowingly have in his possession any copy, written or printed, of any such password or passwords as therein mentioned, or other secret mode of communication, or of any oath, engagement, test or declaration made use of or purporting to be made use of by any such society as in the said last-recited Act mentioned, or by any division of any society declared to be unlawful by the said Act, 4 Geo. 4. c. 87, and shall not be able satisfactorily to account for the same, shall be deemed guilty of an unlawful combination and confederacy, and shall be liable to such and the like penalties, proceedings, and punishment as by the said Act, 2 & 3 Vict. c. 74. is provided, shall be and the same is hereby repealed, save and except as to any matter or thing heretofore done under the authority of the same.

III. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

## CAP. LVI.

AN ACT to alter and amend an Act passed in the Third and Fourth Years of the Reign of Her present Majesty Queen Victoria, intituled *An Act to enable the Owners of Settled Estates to defray the Expenses of draining the same by way of Mortgage.*

(31st July 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Recited Act repealed.*
2. *Proceedings now pending may be completed under this Act.*
3. *Tenants by curtesy, trustees, &c., may petition for leave to make permanent improvements in lands in their possession.*
4. *Such petition to be referred to the Master, who shall report thereupon.*
5. *Master's report to be filed, and on confirmation thereof by the Court, improvements may be made.—Certificate to be issued by the Master.*
6. *After indorsement of Master's certificate inheritance to become charged with expenses incurred.—Registry of memorial of certificate.*
7. *Certificate to be filed in the Report Office, and duplicate to be evidence.*
8. *Money advanced to bear interest not exceeding 5l. per cent.*
9. *Principal to be repaid by equal annual instalments.*
10. *Person in possession of lands charged bound to pay interest, &c., during continuance of his title.*
11. *Works, &c., for irrigation to be kept in repair by tenant for life, &c.*
12. *Lord Chancellor, &c., to make orders for facilitating proceedings.*
13. *Absent of occupier requisite for improvement of lands held by him.*
14. *Appointment of surveyors and other officers.—Chief Baron of Exchequer in Dublin to have the powers hereby given to Lord Chancellor of Ireland.*
15. *Alteration of Act.*

## By this Act,

After reciting the passing of 3 & 4 Vict. c. 55, which recites that whereas much of the land in England and Ireland would be rendered permanently more productive by improved draining, and nevertheless, by reason of the great expense thereof, proprietors having a limited interest in such land were often unable to execute such draining, and that it was expedient, as well for the more abundant production of food as for the increased employment of farming labourers, and the extended investment of capital in the permanent improvement of the soil, that such proprietors should be relieved from such disability, due regard being had to the interests of those entitled in remainder, it was amongst other things enacted, that it should be lawful for any tenant for life, or for term of years, as therein mentioned, entitled to any lands in England or Ireland, or such guardian or guardians as therein mentioned, to apply by petition to Her Majesty's Court of Chancery or Exchequer in England or Ireland for leave to make permanent improvement in the lands to which he or she should be so entitled, by draining; and by the said Act provision is made for the charging the cost of such draining on the lands so drained, and otherwise as in the said Act is mentioned: And that the advantages contemplated by the said recited Act are diminished by reason of the costs attending the making such application and such charge as by the said Act is provided; and it is therefore, and for other reasons, expedient that the provisions of the said Act should be repealed, and should be re-enacted, with such modifications, extensions, and alterations as are after mentioned:—

## It is Enacted,

- i. That, subject to any proceedings under the said recited Act which at the time of the passing of this Act shall be pending, the said recited Act shall be and is hereby repealed.
- ii. That from and after the passing of this Act any proceedings now pending may be completed under the provisions of his Act, as if the same had commenced after this Act had passed.
- iii. That any person entitled in possession to any land as tenant by the curtesy, or for his own life, or any other life or lives, or for years determinable on any life or lives, or any infant entitled as aforesaid by his guardian or next friend, or any fictitious or lunatic entitled as aforesaid by the committee of his estate, or any married woman entitled as aforesaid for her separate use by her next friend, or the husband of any married woman entitled as aforesaid in her right, or any feoffees or trustees for any charitable (or other) purposes, or any ecclesiastical or other corporation aggregate or sole, or any mortgagee or incumbrancer in fee in possession of the land mortgaged or incumbered, or any person entitled in fee to any equity of redemption, or in possession of the land mortgaged, shall be at liberty to apply to the High Court of Chancery, by petition to the Lord Chancellor or the Master of the Rolls, for leave to make any permanent improvements in the land to which such person or corporation shall be so entitled, or any part thereof, by draining the same with tiles, stones, or other durable materials, or by warring, irrigation, or embankment in a permanent manner, or by erecting thereon any buildings of a permanent kind incidental or consequential to such draining, warring, irrigation, or embanking, and immediately connected therewith, and shall be at liberty to pray that the expense of making any such permanent improvement may be made a charge on the inheritance of the land under the provisions of this Act.
- iv. That upon the presentation of any such petition as aforesaid it shall be lawful for the Court, without requiring the attendance of any counsel or solicitor, to refer it to one of the Masters of the said Court to make all necessary and proper

inquiries, and consider all such estimates and valuations as shall be produced before him in relation to the matter of such petition, and thereupon to report whether in his opinion it will be beneficial to all persons interested in the land that such permanent improvements should be made under the provisions of this Act.

v. That such report shall be filed in the report office of the said court, and if no special application to review the same shall be made within fourteen days after the filing thereof, it shall be lawful for the said Court, upon the petition of the party obtaining the same, and without the attendance of any counsel or solicitor, to confirm the said report absolutely, and thereupon to authorize or permit such permanent improvements to be made; and the Master may thereupon certify that any person advancing money for the purpose of making such permanent improvements of the land under the provisions of this Act will, upon its appearing to the said Master that such sum of money has been fully expended in making such improvements, or in paying the expense of obtaining the authority of the said Court, become and be entitled to a charge on the land for the repayment of the money advanced, with interest; provided that upon application to the Court to confirm the Master's report it shall be lawful for the Court, if in its opinion the case shall appear to require the same, to refer it back to the Master to review his report, or to receive fresh evidence in support of the Master's finding, or otherwise for the purpose of ascertaining in a more satisfactory manner whether it is proper to make the improvements proposed under the provisions of this Act.

vi. That the Master, having granted such certificate as aforesaid, is to be at liberty to inquire and state what expenses have been incurred in and about the application to the Court, and making the necessary surveys, valuations and estimates, and also to inquire and state what sums of money have been actually expended in such improvements; and the Master, being satisfied as to the amount of such expenses, may indorse upon the said certificate that it hath been made to appear to him that the whole, or such part of the monies so advanced as aforesaid as upon the evidence shall appear to have been so advanced, hath been fully expended in manner aforesaid, and upon such indorsement being made the inheritance of the said lands shall thereupon become and be charged with the payment of the said sum, with interest as from the time when the same was advanced; and such charge shall have priority over other charges, except tithe commutation rent-charges, and any quit or chief rents incident to tenure; and a memorial of every such certificate, charging hereditaments in the counties of Middlesex and Yorkshire in England, or any hereditaments in Ireland, may in all respects be registered as deeds are now registered in Middlesex, Yorkshire, and Dublin respectively, and without payment of any fee.

vii. That such certificate as aforesaid shall be filed in the Report Office, and a duplicate thereof, signed by the Master, shall be delivered to the person advancing the money, and shall be legal evidence of his title to the money; and the security shall take effect as from the granting of the certificate.

viii. That the money so to be advanced, or so much thereof as shall from time to time remain unpaid, shall bear interest at such rate as shall be agreed upon not exceeding the rate of 5*l*. per centum per annum, from the time when the same shall be advanced, and such interest shall be payable half-yearly.

ix. That the principal money so to be advanced shall be repaid by equal annual instalments; and such annual instalment shall, in the case of improvements by drainage, warping, irrigation, or embankment, be not less than twelve nor more than eighteen in number, and shall, in the case of improvements by the erection of buildings, be not less than fifteen nor more than twenty-five in number.

x. That any person on whose petition such charge shall be made, and every succeeding tenant for life or other person having only a limited interest in the lands charged shall be bound to pay the interest and instalments which become from time to time due and payable during the continuance of his title to the land, and on the termination of such title by death or otherwise the inheritance shall remain chargeable with no more than six months arrears of interest then due, and one half of the last instalment then due, and the interest and instalments thereafter to become due.

xi. That every tenant for life or other person having a limited interest shall be bound to keep in repair any buildings erected or built, or embankments or works for irrigation constructed or made, under the provisions of this Act, and as if he were tenant for life subject to impeachment for waste.

xii. That for the simplifying the proceedings under this Act, and the rendering the same inexpensive, it shall be lawful for the Lord High Chancellors of Great Britain and of Ireland respectively, or the Lords Commissioners or keepers of the Great Seal respectively, with the assistance of the Master of the Rolls of England and Ireland respectively, from time to time to make such orders and provisions as they may think proper for the facilitating the mode of application to the Court, and of the proceedings before the Master or otherwise.

xiii. Provided and enacted, That where any portion of land proposed to be drained or otherwise improved or built on as aforesaid shall be in the actual occupation of any person, the consent in writing of such person shall be necessary in order to give validity to the application of the proprietor in respect of the land, anything hereinbefore contained to the contrary notwithstanding.

xiv. That it shall be lawful for the Master either to require the evidence of a surveyor to be from time to time appointed by him to make such reports as to the matters to be referred to him, or, if he shall think fit, to take the evidence of the surveyor appointed by any party applying to the Court; and that it shall be lawful for the Lord High Chancellors of Great Britain and of Ireland respectively, and the Lords Commissioners or Lords Keepers respectively, from time to time to appoint any persons respectively as the persons to report to or give evidence before the Master to whom the matter shall be referred: Provided always, that it shall be lawful for any persons hereby authorized to apply to the Court of Chancery in Ireland to apply to the Court of Exchequer in Dublin instead of the Lord Chancellor, and the Lord Chief Baron of such Court shall in all respects have the same powers as are hereby given to and vested in the Lord High Chancellor of Ireland or the Lord Commissioner or keeper of the Great Seal of Ireland, and the matters directed to be done by a Master of the Court of Chancery may in all respects be done and executed by the Chief Remembrancer of the said Court of Exchequer.

xv. That this Act may be altered, amended, or repealed by any Act to be passed in the present session of Parliament.

## CAP. LVII.

AN ACT to extend the Indemnity of Members of Art Unions against certain Penalties.

(31st July 1845.)

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ABSTRACT OF THE ENACTMENTS.

1. *Indemnity of Members of Art Unions continued.*
  2. *Alteration of Act.*
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By this Act,

After reciting the passing of 7 & 8 Vict. c. 109; and that the indemnity secured to members of Art Unions against the suits, prosecutions, liabilities, pains, and penalties therein mentioned refers only to things done by them before the 31st of July in this year; and it is expedient to extend the same:—

It is Enacted,

I. That all persons being members of any such Art Union as is specified in the said Act, shall be discharged and freed from all suits, and prosecutions, liabilities, pains, and penalties, to which by law they might be liable, as being concerned in lotteries, little-goes, or unlawful games, for anything which may be done by them or any of them, as members of such Art Union, before the 1st of August 1846, touching the purchase of any picture or other work of art, or the sale or distribution thereof, by chance or lot.

II. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

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## CAP. LVIII.

AN ACT to suspend until the First Day of *October* One thousand eight hundred and forty-six the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

(31st July 1845.)

This Act contain the following clauses:—

- I. General and subdivision meetings relating to the militia suspended.
  - II. Proceedings may be had during such suspension by Order in Council.
  - III. Act to extend to wardens of stannaries and to corps of miners.
  - IV. Alteration of Act.
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## CAP. LIX.

AN ACT to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads.

(31st July 1845.)

By this Act, 4 & 5 Vict. c. 59. is further continued until the 1st of October 1846, and to the end of the then next session of Parliament.

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## CAP. LX.

AN ACT to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, the Act to amend the Laws relating to Loan Societies.

(31st July 1845.)

By this Act, 3 & 4 Vict. c. 110. is further continued to the 1st of October 1846, and to the end of the then next session of Parliament.

## CAP. LXI.

AN ACT to make certain further Provisions for the Consolidation of Turnpike Trusts in *South Wales*.

(31st July 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Certain roads to become county roads.*
2. *Provision for roads partly situated in different counties.*
3. *Power to make new branch road in Brecknockshire, authorized by 11 Geo. 4. & 1 Will. 4. c. xxviii. to be made by certain trustees therein named.*
4. *Awards and charges made by commissioners under former Act confirmed.*
5. *Provisions for facilitating payments by Exchequer Loan Commissioners.—Former payments confirmed.*
6. *Interest at 3l. per cent. may be charged by Exchequer Loan Commissioners from time of payment until accounts are made up.*
7. *Commissioners to appoint trustees of monies secured upon charitable and religious trusts.*
8. *Trustees to invest the monies awarded to them for the benefit of the trusts.*
9. *Secretary of State empowered to extend or vary the limits of towns after the commission has terminated.*
10. *Repeal of part of 7 & 8 Vict. c. 91. s. 52. respecting toll for passing or repassing through any gate within a mile from boundary of county.*
11. *Waggons on springs not to be liable to toll as caravans.*
12. *County roads board for Carmarthen may carry out a certain agreement under 11 Geo. 4. & 1 Will. 4. c. 16.*
13. *County roads boards may dispose of their vested interest in toll houses.*
14. *As to interpretation of Act.*
15. *Alteration of Act.*

## By this Act,

After reciting the passing of 7 & 8 Vict. c. 91, and that in pursuance of the said Act certain Commissioners have been appointed to execute the powers and authorities thereby conferred, and to carry the same into execution; but the power of the said commissioners will cease and determine by virtue of the said Act on the 29th of September next: and that it is necessary that provision should be made for carrying certain parts of the said Act into effect after such commission shall have expired, and also that some further enactments should be made for more fully accomplishing the objects of the said Act:—

## It is Enacted,

1. That from and after the passing of this Act the pieces of road in the Schedule marked (A.) to this Act annexed shall become and shall respectively be managed and maintained as part of the county roads of the counties in which they are respectively situate.

And after reciting that the several pieces of road mentioned in Schedule (B.) to this Act annexed have heretofore been repaired and maintained as parts of certain turnpike trusts which extend respectively into two or more counties; and that it is expedient that such pieces of road should continue to be repaired and maintained under one uniform management as heretofore;—

## It is Enacted,

11. That the several pieces of road mentioned in the Schedule marked (B.) to this Act annexed shall be and shall respectively be managed and maintained, and for the purposes of this Act and the above-recited Act be considered as part of the county roads of the several counties therein specified respectively.

And after reciting that by an Act 11 Geo. 4. & 1 Will. 4. c. xxviii. intituled 'An Act for more effectually repairing and improving several Roads in the Counties of Brecon, Radnor, and Glamorgan, and for making and maintaining several new Branches of Road to communicate therewith,' the trustees for carrying the said Act into execution were empowered, amongst

other things, to make and construct a certain line or branch of road commencing at or near Tavern-y-Frydd on the turnpike road leading from Builth to Llandovery, and thence crossing the rivers Dulas and Irvon to Pontrhydyverre, and from thence to the turnpike road leading from the confines of the county of Caermarthen to Llandovery, and which said new line of road would extend through the several parishes of New Church, Llangammarch, and Llanwrtid, subject to the provisions and regulations of the said Act: and that the said line of road has not yet been made, but the same, if now constructed, would afford a complete communication between Builth and Llandovery, and would be otherwise beneficial to the said county of Brecknock:—

It is Enacted,

III. That subject to the provisions and restrictions contained in the said first-recited Act, all the powers conferred upon the said last-mentioned trustees by the said last-recited Act, so far as relates to the construction of the said last-mentioned line of road, shall be and the same are hereby vested in the county roads board of the said county of Brecknock, provided that such last-mentioned powers be exercised and the said line of road be constructed and made within five years from the passing of this Act; and such road, when completed, shall be managed and maintained as part of the county roads of the county of Brecon.

And after reciting that the aforementioned Commissioners have made certain apportionments by the said recited Act directed to be made, and have also made various awards and reports to Her Majesty's Secretary of State for the Home Department, and the monies by the said awards directed to be paid have been paid or are in the course of payment; and to avoid any doubts as to whether in all respects the forms and directions by the said Act prescribed have been complied with, or as to whether the mode or terms of making the said apportionments, awards, and reports, or the matters contained therein, or the manner of the execution thereof, are in exact conformity with the provisions of the said Act, and to give full force and validity to the charges made or to be made in pursuance of the said Act:—

It is Enacted,

17. That all charges made or to be made by the said Commissioners, or by one of Her Majesty's principal Secretaries of State, as the case may be, and purporting to be made in pursuance of the said recited Act, or of the said Act and this Act, shall after the making thereof be good and effectual in all respects whatsoever, and according to the true intent and meaning thereof, and notwithstanding that in certain cases the said commissioners may not in all respects have complied or may not hereafter comply with the precise forms and directions in the said Act contained, or may not have apportioned, or may not hereafter apportion, on different counties, parts of the debts of any turnpike trust, in any case in which the said commissioners have given or shall hereafter give in any report to such Secretary of State their reasons for not having made or for not making such apportionment, and such reports have been or shall be approved by such Secretary of State.

v. That the Public Works Loan Commissioners may pay any monies by the said awards or by any future awards directed to be paid to any parties who it shall be made to appear to their satisfaction are the persons or bodies beneficially entitled thereto, and notwithstanding any error or omission in the aforesaid awards or reports, or the awards or reports hereafter to be made, as to the parties or the names or descriptions of the parties entitled thereto; and further, that all payments already made, and which the said last-mentioned Commissioners would have been entitled to make, and which would have been effectual if this Act had passed previously to the making of such payments, shall be and the same are hereby confirmed.

vi. That all charges so made, or to be made as aforesaid, shall be valid, notwithstanding interest after the rate of 34 per centum per annum has been or may be charged by the said Public Works Loan Commissioners on the amount of monies paid or to be paid by them, from the date of payment thereof up to the time of making up the accounts, as by the said Act is directed, and from which period the several annuities charged or to be charged upon the said counties respectively are to become payable, although the rate of interest charged or to be charged upon such monies is not specified in the aforesaid Act.

And after reciting that the interest of and in divers sums of money charged or secured upon the tolls of certain turnpike trusts has been heretofore conveyed to or vested in trustees, in trust to apply the proceeds thereof to certain charitable and other purposes of a public nature: and that in some cases the trustees of turnpike roads have heretofore acted as the trustees of such sums of money so secured, and in some cases the deeds by which such trusts were constituted have been lost, or the trustees originally appointed have died, and no new appointment of trustees has since been made, or the persons in whom the legal interest in such monies is now vested have become incapacitated, or are desirous to be relieved from the burden of such trusts; and it is expedient that provision should be made for the better securing of such monies to the uses and purposes to which the same were intended and of right ought to be applied:—

It is Enacted,

vii. That, subject to the provisions of any general Act which may hereafter be passed for the regulation of charitable trusts in England and Wales, it shall be lawful for the Commissioners acting in execution of the said recited Act, in any case in which they shall find that monies have been secured upon the tolls of any turnpike trust in South Wales upon any such charitable or public trust as aforesaid, for the execution of which trust no trustees, or no persons legally qualified or competent to act as trustees, or no sufficient number of such legal and competent trustees, exist, by order under their hands and seal to appoint or substitute such fit and proper persons as they shall determine to be the trustees, either alone or jointly with any former or existing trustees, for the purpose of receiving and applying such monies as aforesaid to the several charitable or public purposes to which the same were intended to be and have heretofore been applied, such purposes in each case to be specified in each order of the said Commissioners, and also by such order to relieve and discharge any persons now being trustees of any such trusts as aforesaid, and who shall be desirous to be so relieved and discharged from the same, and to appoint other fit and proper persons in their stead; and in every such case the order of the said Commissioners so made as aforesaid shall be a good and valid appointment or discharge, as the case may be, of such trustees, without any other deed or instrument whatsoever.

viii. That such trustees so appointed as aforesaid, so soon as they shall have received such monies as shall be awarded to them by the said Commissioners, shall forthwith invest the same in the best and most advantageous manner for the uses and purposes of such trusts respectively, regard being had as well to the nature of the security by which such principal monies may be assured as to the rate of interest payable on the same.

And after reciting that by the said first-recited Act it is amongst other things enacted, that no toll shall be taken, and that no money arising from tolls on any turnpike roads shall be laid out in paving, repairing, or cleansing any street, road, or highway within the limits of any city or market or borough town for which there shall not be any local Act, and which said limits shall be fixed and determined, for the purposes of this Act, with respect to every such city or market or borough town respectively, by the said Commissioners, upon the report and recommendation of the county roads board acting in and for the county to which any such city or market or borough town shall belong; and that the limits of the several cities and market and borough towns which are subject to the powers and provisions of the said Act have been fixed and determined by the said Commissioners in the manner by the said Act prescribed; but it is expedient that power should be vested in some competent authority to vary or extend such limits in any particular case, from time to time, as circumstances may require;—

It is Enacted,

ix. That after the determination of the said commission it shall be lawful for one of Her Majesty's Principal Secretaries of State, if he shall think fit, by order under his hand, upon the recommendation of the county roads board acting in and for the county to which any such city or market or borough town shall belong, from time to time to vary or extend the limits which shall have been fixed and determined for the same respectively by the said commissioners as aforesaid.

And after reciting that by the said recited Act, 7 & 8 Vict. c. 91. s. 52, it is enacted, that from and after the repeal of the said local Acts respectively, when any toll shall have been once taken in respect of any horse or other animal not drawing, or of any horse or other animal drawing any carriage or vehicle, at any toll gate or bar within any of the said counties, no toll shall be thereafter taken in respect of the same horse or other animal, or in respect of the same carriage or other vehicle, on the same day (to be computed from 12 o'clock of the night to 12 o'clock in the next succeeding night), for repassing through the same gate or bar, or for passing or repassing through any other gate or bar in the same county within the distance of seven miles from the gate or bar at which such toll shall have been taken, such distance being measured along turnpike roads only, nor for passing or repassing through any gate or bar in any other of the said counties adjoining within the distance of two miles from the gate or bar at which such toll shall have been taken, to be measured as aforesaid, along and in respect of turnpike roads within either of such counties, nor within one mile measured as aforesaid, from the boundary of such counties;—

It is Enacted,

x. That so much of the said recited Act as enacts that no such toll as last-mentioned shall be taken for passing or repassing through any gate or bar within one mile, measured as aforesaid, from the boundary of such counties, shall be and the same is hereby repealed.

And after reciting that doubts have arisen as to the description of carriages which may be liable to toll according to the provisions of the said recited Act under the denomination of caravans;—

It is Enacted,

xi. That no waggon, wain, cart, or other such like carriage shall be liable to toll as a caravan by reason of its being constructed on springs, unless the same shall be customarily employed in the conveyance of passengers for hire.

And after reciting that under and by virtue of an Act, 11 Geo. 4. & 1 Will. 4. c. 16, intituled 'An Act for inclosing Lands within the several Parishes of Kidwelly, St. Mary Kidwelly, St. Ishmael, and Pembrey, in the county of Carmarthen,' a certain agreement was entered into between the commissioner for carrying out the said inclosure and the trustees of the Kidwelly trust, for constructing a line of turnpike road along a certain embankment across the Gwendraeth Fawr river in the said county: and that such agreement has been only partially carried into effect: And that the Act constituting the said Kidwelly trust has been recently repealed under the powers conferred by the hereinbefore first-recited Act: And that it is expedient to vest in the county roads board of the said county power to complete and carry out the said agreement in like manner as it might have been had the said Kidwelly trust continued to exist;—

It is Enacted,

xii. That the said county roads board of the said county may, if they shall think it expedient so to do, complete and carry out the said agreement with the Commissioner acting under the Kidwelly Inclosure Act, in like manner as the trustees of the Kidwelly turnpike trust might have done; and that such road along the said embankment, when completed, shall become and be a part of the county roads of the said county of Carmarthen.

And after reciting that the carrying into execution the said recited Act will cause several of the toll houses now or lately vested in the trustees of the several turnpike trusts in South Wales to become useless for the purpose of toll houses: and that the pulling down and disposing of the same, according to the provisions of general turnpike Acts, would be attended with great loss to the several counties in which the same are situate, and many of the said toll houses may be disposed of and left standing without injury to any parties:—

It is Enacted,

xiii. That the several county roads boards in South Wales in whom any freehold or other interest in such toll houses may have become vested may make sale of or otherwise dispose of such interest, anything in the said general turnpike Acts or in any other Act to the contrary notwithstanding: Provided always, that the said county roads boards, before they shall proceed to dispose of any such toll house, shall cause their interest in the same to be valued by some indifferent surveyor; and in case their interest in the same shall be any interest less than freehold such interest shall be first offered, at the price which

the said surveyor shall have put upon the same, to the person to whom such freehold shall belong, or if their interest in the same shall be a freehold interest, then to the owner of the lands surrounding such toll house, or to the lord of the manor, in case such toll house shall have been built upon the waste; and in case any of the said parties respectively to whom such right of pre-emption may belong shall not within one month after such offer made consent to purchase the same, or in case such toll house shall adjoin the lands of two or more owners, or shall not stand upon the waste of any manor, then the county roads boards may proceed to dispose of the same by auction, or in such other manner as they shall deem most expedient.

xiv. And that the words used in this Act shall be construed according to the same rules of interpretation as are prescribed in the said recited Act.

xv. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

### SCHEDULES to which the foregoing Act refers.

#### SCHEDULE (A).

1.—A Piece of Road leading out of the present Turnpike Road from Llandowrwr to Haverfordwest, at or near a Place called Tavernspite, in the County of Pembroke, and joining a certain other Turnpike Road leading from Llandowrwr to Hobbs Point, at or near a Place called the Red Roses, in the County of Carmarthen.

2.—A Piece of Road lying between Carmarthen Bridge and the Toll Gate now called Pensarn Gate.

3.—A Piece of Road lying between the Northern End of the Bridge over the Towey at or near Llangathen and the main Road from Carmarthen to Llandilo Fawr near the Broad Oak.

4.—So much of the Road leading from Carmarthen to Lampeter as lies between the main Turnpike Road from Carmarthen to Llandilo and Glangwilly Bridge.

#### SCHEDULE (B.)

1.—A Portion of the Turnpike Road between the Towns of Brecon and Hay, of the Length of Half a Mile or thereabouts, and lying within the County of Radnor, as Part of the County Roads of the County of Brecknock.

2.—All those Parts of the Turnpike Road leading from Neath to Merthyr Tydvil towards Abergavenny, as far as Rhydyblew, which lie in the Counties of Brecknock and Monmouth respectively, as Part of the County Roads of the County of Glamorgan.

3.—Two several Portions of Turnpike Road lying in the county of Hereford, and situate respectively between the Termination of the Mortimer's Cross Trust and New Radnor, and also so much of the Turnpike Road between Knighton and Walton as lies in a certain detached Part of the County of Hereford, as Parts of the County of Radnor.

### CAP. LXII.

#### AN ACT to make further Provisions as to Stock and Dividends unclaimed.

(31st July 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. *When any dividends on stock have remained unclaimed for ten years, the same to be paid to the Commissioners for the Reduction of the National Debt.—Payment of such dividends to claimants to be directed as in other cases.*
2. *Notice to be given by advertisement before re-transfer or payment of any stock or dividends to any claimant.*
3. *Application may be made to Court of Chancery to rescind order for transfer, &c.*
4. *The sum of 3,663*l.* 13*s.* 8*d.* arisen from unclaimed dividends on East-India Annuities to be paid to Commissioners for the Reduction of the National Debt.*
5. *Lords of the Treasury may authorize inquiries into the circumstances of unclaimed stocks and dividends.—Payment of expenses, &c.*
6. *Interpretation of Act.*
7. *Alteration of Act.*

#### By this ACT,

After reciting that by 56 Geo. 8. c. 60, provision is made for transferring all capital stock in respect of which any annuities constituting part of the national debt are payable at the Bank of England, and upon or in respect of which the dividends shall be due and remain unclaimed for the space of ten years, and the balance of sums issued for paying the principals of stocks or annuities which shall not have been demanded for the same period, to the Commissioners for the Reduction of the National Debt; and by the said Act provision is made for enabling parties entitled thereto to procure a re-transfer of such stock, and payment of the dividends due thereon; and it is necessary to make further provisions in relation thereto:—



It is Enacted,

I. That in every case in which any dividends or dividend accrued due on any stocks, funds, or annuities constituting any part of the national debt, and transferable at the Bank of England, shall not have been demanded for the period of ten years or upwards preceding the last day upon which any dividend shall have become due or payable upon or in respect of the same stocks, funds, or annuities, such dividends or dividend, and all other dividends since accrued in respect of the same stocks, funds, or annuities, shall immediately after the expiration of such period of ten years be paid to the account of the Commissioners for the time being for the Reduction of the National Debt, and shall be by them invested in the manner directed by the said recited Act with respect to the dividends upon stocks, funds and securities transferred to the said Commissioners in the manner therein mentioned; and it shall be lawful for the governor or deputy governor for the time being of the Bank of England, or for the High Court of Chancery, to direct the payment of such dividends to any persons or person claiming to be entitled thereto, in the same manner in all respects as is by the said Act directed with respect to the stocks, funds, and securities transferred to the said Commissioners as therein mentioned.

II. That no re-transfer of any capital stock exceeding the sum of 20*l.* or of any terminable annuities exceeding 1*l.* per annum, shall be made from the account of the said Commissioners, under the authority of the said recited Act, to any persons or person, nor shall payment be made under the authority of the said recited Act, or of this Act, of any dividends or dividend exceeding 20*l.* in the whole, until three calendar months after application shall have been made for the same, nor until such notice shall have been given thereof as the said governor and company are hereinafter authorized to require; and it shall be lawful for the said governor and company to require the person or persons making such application to give such public notice by advertisements in one or more newspapers circulating in London and elsewhere, as the said governor and company shall think fit; and every such notice shall state the name, description and addition of the person in whose name the unclaimed stock or dividends stood when transferred to the said Commissioners, and the amount thereof, and the name of the claimant, and the time at which such re-transfer or payment will be made if no other claimant shall sooner appear and make out his claim; and when and so often as any such stock shall be directed to be transferred, or such dividends to be paid, by any order of the High Court of Chancery, such notice shall also state the purport or effect of such order.

III. That it shall be lawful for any persons or person, at any time before the actual re-transfer of any such capital stock or annuities, or before payment of any such dividends to any such claimant as aforesaid, to apply to the Court of Chancery by motion or petition to rescind, alter, or vary any order made for such transfer or payment.

And after reciting that under and in pursuance of an Act 33 Geo. 3. certain annuities payable out of the public revenue, and theretofore granted to the East India Company, and then held partly by the said East India Company, and partly by various persons to whom the last-named company had assigned the same, were converted into 3*l.* per centum reduced annuities, transferable at the Bank of England, and the dividends then remaining unclaimed in respect of such East India Annuities were paid over to the said Governor and Company of the Bank of England: And that the said governor and company have now in their hands the sum of 3,663*l.* 13*s.* 8*d.* part of such last-mentioned unclaimed dividends which have continued unclaimed for upwards of forty years:—

It is Enacted,

IV. That the said governor and company shall forthwith after the passing of this Act pay the said sum of 3,663*l.* 13*s.* 8*d.* to the account of the said Commissioners for Reduction of the National Debt; and the same shall thenceforth be and remain subject to the claims and demands of the proprietors of the stock in respect whereof the said dividends accrued, in such and the same manner as if the same had been paid over under the provisions of the said recited Act, 56 Geo. 3. c. 60; and the said governor and company shall be indemnified from all claims and demands in respect thereof.

V. That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the time being, from time to time, and at any time, to authorize and empower the said Governor and Company of the Bank of England to inquire into and investigate the circumstances of any stocks, funds, annuities, or dividends remaining unclaimed for the time being, with a view to ascertain the owners thereof, and to allow to the said governor and company such compensation as to the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, shall seem just, for their trouble and expenses to be incurred in and about such inquiries and investigation, and also from time to time to allow to the said governor and company a reasonable compensation for all costs and expenses to be incurred by them in and about the notices and advertisements hereby directed, and other the services required or authorized by this Act, which compensation may be deducted rateably from the stocks and dividends to be from time to time re-transferred or paid, and with reference to which such trouble, costs, and expenses shall have been incurred, and such services performed respectively, or the same may be paid by the said Commissioners for the Reduction of the National Debt out of the stocks and dividends to be received by them under and by virtue of the said first-recited Act or this Act, and which shall not be claimed.

VI. That the word "stocks" in this Act shall extend to any stocks, funds or annuities which now are or at any time hereafter shall be transferable at the Bank of England; and that, except where the sense or context is repugnant to such construction, the plural number in this Act shall be construed to include the singular, and the masculine gender to include the feminine.

VII. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

## CAP. LXIII.

AN ACT to facilitate the Completion of a Geological Survey of *Great Britain and Ireland*, under the Direction of the First Commissioner for the Time being of Her Majesty's Woods and Works.

(31st July 1845.)

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ABSTRACT OF THE ENACTMENTS.

1. *Power to enter lands, break surface, and affix marks.—Satisfaction to be made for damage.*
  2. *Penalty on obstructing survey or removing marks.*
  3. *Damages how to be paid.*
  4. *Recovery of penalties.*
  5. *Plea of general issue.*
  6. *Interpretation of Act.*
  7. *Alteration of Act.*
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By this Act,

After reciting that sums of money have been from time to time granted and appropriated by Parliament to the making of a geological survey of Great Britain and Ireland, in connexion with a Trigonometrical Survey of Great Britain, in progress under the direction of the Master General and Board of Ordnance, and powers are vested in the said Master General and Board of Ordnance for facilitating the execution and completion of surveys under their charge: And that the union, under the Board of Ordnance, of surveys having no direct connexion with each other, has in some instances been productive of inconvenience, and it has been deemed expedient to withdraw the geological survey of the United Kingdom from the conduct of the Master General and Board of Ordnance, and to place the same under the direction and superintendence of the First Commissioner for the time being of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, subject nevertheless to the controul of the Lord High Treasurer or Commissioners for the time being of Her Majesty's Treasury: And that it is essential to the prosecution of such geological survey that the First Commissioner for the time being of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, should have as ample powers for making and completing the same as the Master General and Board of Ordnance possess for making and completing surveys in charge of the said last-mentioned Board:—

It is Enacted,

i. That, for the purpose of making and completing a geological survey of the United Kingdom, or any part thereof, it shall be lawful for any surveyor or other person appointed by or acting under the orders of the First Commissioner for the time being of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, and for any person assisting or employed by any surveyor or other person so appointed or acting under such orders as aforesaid, and they are hereby respectively authorized and empowered, from time to time, after notice in writing of the intention of entering shall have been given to the owner or occupier, as the case may be, to enter into and upon the land of any owner or person whomsoever, for the purpose of making and carrying on any geological survey authorized by the First Commissioner for the time being of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, and to break up the surface of any part of such land for the purpose of ascertaining the rocks, strata or minerals within or under the same, and to take and carry away specimens of the rocks, strata or minerals found therein, and to fix any post, stone, mark or object to be used in the survey in any such land (except as hereinafter mentioned), and to dig up any ground for the purpose of fixing any such post, stone or mark, and also to enter into or upon any land through which any such surveyor or other person so appointed or acting or employed as aforesaid shall find it necessary to pass for the purposes of such survey, at any reasonable time in the day, until the survey shall be completed: Provided always, that it shall not be lawful for any such surveyor or other person appointed or acting or employed as aforesaid to fix any object, post, stone or mark within any walled garden, orchard or pleasure-ground, without the consent of the owner or occupier thereof: Provided also, that such surveyor or other persons so appointed or employed as aforesaid shall do as little damage as may be in the execution of the several powers to them granted by this Act, and shall make satisfaction to the owner or occupier, as the case may require, of such land, or the owner of any trees which shall be in any way injured, for all damages to be sustained in the execution of any of the powers of this Act, in case the same shall be demanded; and in case of dispute between the said surveyor or other persons appointed or employed as aforesaid, on the one hand, and the owner or occupier, as the case may be, on the other hand, as to the amount of damage sustained, the same shall be ascertained and determined by any two or more Justices of the Peace, in petty sessions assembled, of the county in which the lands or trees may be situate.

ii. That if any person shall resist or wilfully obstruct or hinder any surveyor or other person employed or assisting in the execution of any survey under the provisions of this Act, or shall take away or displace, or wilfully deface or destroy any stone, post, mark or object which shall be set up and placed for the purposes of any such survey, every person so offending shall for every such offence forfeit and pay any sum not exceeding 10*l.* in the discretion of the Justices before whom such offender shall be convicted.

iii. That all damages awarded or agreed to be paid to any owner or occupier of land, or owner of trees, for any injury sustained under the provisions of this Act, shall be paid out of any aids granted by Parliament for making or completing a geological survey of the United Kingdom.

iv. That all penalties and forfeitures inflicted or imposed by this Act may be recovered in a summary way by the order and adjudication of any two Justices of the Peace for the county or place in which such penalty shall be incurred, on complaint

to them for that purpose exhibited, and shall afterwards be levied, as well as the costs of proceedings for the recovery thereof in case of non-payment, by distress, poinding, or other legal process, and sale of the goods and chattels of the offender or person liable to pay the same, by warrant of such Justices; and such Justices are hereby authorized and empowered to summon before them any witness, and to examine such witness upon oath or affirmation of and concerning all offences, penalties and forfeitures under this Act, and to hear and determine the same; and the overplus (if any) of the money so levied or recovered, after discharging the fine, penalty, or forfeiture for which such warrant or other legal process shall be issued, and the costs and expenses of recovering and levying the same, shall be returned, upon demand, to the owner of the goods or chattels so seized or distrained; and in case such penalties or forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such Justices to order the offender so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, or poinding, or other legal process, unless the offender shall give security, to the satisfaction of such Justices, for his appearance before such Justices on such day as shall be appointed for the return of such warrant of distress, or poinding, or other legal process, such day not being more than seven days from the time of taking any such security, and which security the said Justices are hereby empowered to take, by way of recognizance, caution, or otherwise; but if upon return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for such Justices and they are hereby authorized and required, by warrant under their hands and seals, to cause such offender to be committed to the gaol of such county or place, there to remain without bail or mainprize for any time not exceeding two calendar months, unless such penalties or forfeitures respectively, and all reasonable charges, shall be sooner paid and satisfied; and such penalties and forfeitures, when so levied, shall be paid and applied to the use of an infirmary or charitable institution in the county in which such offence shall be committed, in such manner as such Justices respectively shall direct and appoint.

v. That if any person shall be sued or prosecuted for anything done or executed in pursuance of this Act, or of any clause, matter, or thing therein contained, such person may plead the general issue, and give the special matter in evidence for his defence.

vi. That in construing this Act the word "county" shall be taken to include hundred, city, borough, town, townland, parish, burghs, royal parliamentary burghs, burghs of regality and barony, extra parochial and other places, districts, and divisions, by whatsoever denomination the same respectively shall be known or called; the word "Justices" shall include persons acting in the commission of the peace for any county so interpreted as aforesaid, sheriffs or stewards of counties, stewartries in Scotland; and the sheriff and court of deemsters of the Isle of Man; the word "owner" shall include bodies politic, corporate, or collegiate, and all persons entitled to any estate or interest in possession; and the word "land" shall extend to lands, grounds, hereditaments, and heritages, of any tenure or description; and every word importing the singular number shall, when necessary to give full effect to the enactments herein contained, be deemed to extend and be applied to several persons or things as well as one person or thing; and any words importing the plural number only shall include the singular number; and every word importing the masculine gender shall, when necessary, extend and be applied to a female as well as a male.

vii. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

#### CAP. LXIV.—IRELAND.

#### AN ACT to amend certain Regulations respecting the Retail of Spirits in *Ireland*.

(31st July 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. *So much of the Act as is recited repealed, and all Excise licences for the retail of spirits in Ireland to be granted as if such regulation had not been enacted.*
2. *Justices of the Peace, constables, or overseers authorized to enter the houses of persons licensed to retail spirits to be construed elsewhere than on the premises.*
3. *Bond required of spirit retailers by the 3 & 4 Will. 4. c. 68. not to be subject to stamp duty.*
4. *Commencement of Act.*
5. *Alteration of Act.*

By this Act,

After reciting that by 6 & 7 Will. 4. c. 38. it is enacted, that from and after the passing of this Act no person in Ireland who shall be duly licensed under any Act or Acts for granting Excise licences to deal in or sell coffee, tea, cocoa, or chocolate, or pepper, nor any person deemed a grocer within the meaning of the laws of the Excise in force in Ireland at immediately before the passing of this Act, shall be entitled to take out any licence to retail spirits in the house or on the premises of such retailer, or in any house or on any premises within one quarter of a mile of the house or premises of such retailer, other than a licence to retail spirits in quantities not less at one time than one pint, and to be consumed elsewhere than in the house or on the premises of such retailer; and any licence to retail spirits in any other manner, granted after the passing of this Act, to any such grocer or person so licensed as aforesaid, shall be wholly null and void to all intents

purposes whatsoever :— And that it is expedient that so much of the said Act as is above recited should be repealed, and that all Excise licences to persons in Ireland to deal in or sell coffee, tea, cocoa nuts, chocolate, or pepper, or to retail spirits in the house or on the premises of such retailer, or to be consumed elsewhere than in the house or on the premises where sold, should be granted in the same manner and at the same rates of duty as if so much of the said Act as is above recited had not been enacted ;—

It is Enacted,

1. That from and after the commencement of this Act so much of the said Act as is above recited shall be repealed ; and that the Excise licence to persons in Ireland trading in or selling coffee, tea, cocoa nuts, chocolate, or pepper, and the Excise licence to persons in Ireland to be retailers of spirits, not being retailers of spirits after mentioned, to be drunk or consumed in or upon the house or premises where sold, and the Excise licence to retailers of spirits in Ireland, being duly licensed to trade in, vend, and sell coffee, tea, cocoa nuts, chocolate, or pepper, and not selling spirits in any greater quantity at one time than two quarts, or any spirits to be consumed in the house or on the premises of such retailer, shall be severally granted in like manner and at the same rates of duty respectively, and under the same regulations, as the same are respectively applicable thereto and directed by an Act, 6 Geo. 4. c. 81, intituled, 'An Act to repeal several Duties payable on Excise Licences in Great Britain and Ireland, and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences,' and by another Act, 3 & 4 Will. 4. c. 68, intituled, 'An Act to amend the Laws relating to the Sale of Wine, Spirits, Beer, and Cider by Retail in Ireland,' and by the said Act, 6 & 7 Will. 4. c. 38, save and except so much of the said last-mentioned Act as is above recited and hereby repealed, and by another Act, 2 & 3 Vict. c. 79, intituled, 'An Act for the better Prevention of the Sale of Spirits by unlicensed Persons in Ireland,' and by another Act, 7 & 8 Vict. c. 82, intituled, 'An Act to continue for Five Years so much of an Act of the Second and Third Years of Her present Majesty as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence in Ireland.'

And after reciting that the said Act, 6 Geo. 4. c. 81, and the licence therein mentioned to retailers of spirits in Ireland, being duly licensed to trade in, vend, and sell coffee, tea, cocoa nuts, chocolate, or pepper, and not selling spirits in any greater quantity at one time than two quarts, or any spirits to be consumed in the house or on the premises of such retailer, require that the spirits sold under such licence shall be consumed elsewhere than in the house or on the premises of such retailer ;—

It is Enacted,

11. That from after the passing of this Act it shall be lawful for any Justice of the Peace, or any chief or other constable, or overseer, within the limits of his jurisdiction, to enter into any house or place kept by such retailer as aforesaid for selling spirits or any other article, at any time or hour at which such house or place is kept open for any such sale as aforesaid ; and if any such retailer, on demand of entrance by any such Justice, chief or other constable, or overseer, opposes or obstructs such entrance, or delays to admit such Justice, chief or other constable, or overseer, into any such house or place, or if such retailer is found selling spirits by retail to be consumed in such house or place, or harbouring any person who appears to be to have recently been drinking or tipping spirits therein, such retailer, over and above every other penalty he incurs, shall forfeit and pay the sum of 2*l.*, to be sued for and recovered as any other penalty under the said recited Act, 3 & 4 Will. 4. c. 68, and subject to the several provisions in the said recited Act in that behalf ; and on due conviction of any such offence as aforesaid the licence of such retailer shall become forfeited.

And after reciting that by the said Act, 3 & 4 Will. 4. c. 68, persons in Ireland applying for an Excise licence to sell spirits to be consumed in the house or upon the premises where sold are required to enter into a certain bond to Her Majesty, her heirs and successors, conditioned as therein mentioned ;—

It is Enacted,

111. That such bond shall not be subject or liable to the payment of any stamp duty whatever, anything in any Act or Acts to the contrary notwithstanding.

1*v.* That this Act, where it is not otherwise specified, shall be deemed to have commenced and shall take effect from the 4th July in this present year.

*v.* That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

## CAP. LXV.

**N** ACT to determine the countervailing Duties payable on Spirits of the Nature of plain *British* Spirits, the Manufacture of *Guernsey, Jersey, Alderney, or Sark*, imported into the United Kingdom ; and to prohibit the Importation of rectified or compound Spirits from the said Islands.

(31st July 1845.)

## ABSTRACT OF THE ENACTMENTS.

*Countervailing duties imposed by this Act.*

*Duties to be under the management of the Commissioners of Excise.*

*Spirits of the nature of plain British spirits, manufactured in the islands, and imported into the United Kingdom, to be denominated plain British spirits, and imported under the same regulations of Excise as spirits removed from Scotland or Ireland, &c.—When so imported to be dealt with as spirits the manufacture of that part of the United Kingdom into which imported.*

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4. *Plain spirits the manufacture of the islands aforesaid to be made from the same materials as in the United Kingdom.—The declaration and certificate of produce to certify the same, under pain of forfeiture for any false certificate.*
5. *Spirits of the nature of British brandy or compounds, the manufacture of any of the said islands prohibited to be imported.*
6. *All Channel Islands spirits may be entered to be warehoused for exportation.*
7. *Act to commence from the 8th of August as to all prohibited spirits which have been imported since that date, and are now in bond.*
8. *Alteration of Act.*

By this Act,

After reciting that by the laws now in force, goods, the produce or manufacture of the Islands of Guernsey, Jersey, Alderney, and Sark may be imported from the said islands respectively into the United Kingdom, on payment of such proportion of such duties as fairly countervail any duties of Excise payable on the like goods the produce of the part of the United Kingdom into which they are imported: And that the duties of Excise payable on plain British spirits the produce of or distilled in England is 7s. 10d. upon every gallon of such spirits of the strength of hydrometer proof, and 3s. 8d. upon every gallon of the like spirits at the same strength distilled in Scotland, and 2s. 8d. upon every gallon of the like spirits at the same strength distilled in Ireland; but by reason of the duty of Excise on malt, being materials from which such spirits are made, and of the duty of Excise on licences to distillers and makers of malt and spirits, the duties before mentioned cannot be taken as fair countervailing duties on the like spirits the produce or manufacture of the said islands imported into any of the parts of the United Kingdom aforesaid, and it is necessary therefore to determine the same: And that plain British spirits, when imported from one of the said parts of the United Kingdom into another, must be removed under the provisions of the laws of Excise, and subject, when so removed, to be dealt with in all respects as if the same had been distilled in the country into which the same have been so removed; And that spirits denominated British brandy and British compounds, distilled or made in any part of the United Kingdom, cannot be so removed, and there are no duties of Excise payable thereon on which any countervailing duty can be fairly estimated:—

It is Enacted,

I. That from and after the passing of this Act the countervailing duties to be charged on all spirits of the nature or quality of plain British spirits, manufactured or distilled in the islands of Guernsey, Jersey, Alderney, or Sark, and imported from any of the said islands into the United Kingdom, shall be as follows; (that is to say),

For and upon every gallon of such spirits of the strength of hydrometer proof, as ascertained by Sikes' hydrometer, imported into England, the sum of 9s., and so in proportion for any greater degree of strength, or any greater or less quantity:

For and upon every gallon of such spirits of the like strength imported into Scotland, the sum of 4s. 10d., and so in proportion for any greater degree of strength or any greater or less quantity:

For and upon every gallon of such spirits imported into Ireland, the sum of 3s. 10d., and so in proportion for any greater degree of strength or any greater or less quantity.

II. That the said several countervailing duties shall be under the management of the Commissioners of Excise, and shall be collected, paid, and accounted for as duties of Excise, and in the same manner as any duties of Excise now imposed on plain British spirits manufactured in England, Scotland or Ireland respectively, and removed from any one of the said parts of the United Kingdom into any other, are directed to be collected, paid, and accounted for when made payable in that part of the United Kingdom, into which such spirits are so removed, under any law or laws of Excise; and the general and special provisions, clauses, enactments, regulations, pains, penalties, and forfeitures contained in any Act or Acts relating to the collection and management of the revenue of Excise shall, so far as the same are applicable thereto, be applied to the collection and management of the said countervailing duties and to this Act.

III. That all spirits of the nature or quality of plain British spirits, manufactured in any of the islands aforesaid, and imported into any part of the United Kingdom, shall be denominated plain British spirits, and shall be imported only under such denomination, and at the like strength, and in casks of the same size, and vessels of the same tonnage, as the like spirits manufactured in England, Scotland, or Ireland may be removed from one of the said parts of the United Kingdom into another; and the said spirits, when so imported from any of the said islands, shall, upon such importation, and before landing be entered under the like denomination with the proper officer of Excise at the port at which such spirits are imported, subject to the provisions aforesaid, and under the like regulations, pains, penalties and forfeitures as are imposed in such respect on plain British spirits under any law or laws of Excise, and subject to the several provisions, clauses, and enactments (except so far as altered by this Act) of any law or laws of the Customs respecting the declaration and certificate of produce, and other regulations required by the said last-mentioned laws to be observed respecting goods the produce or manufacture of any of the said islands, and imported into any part of the United Kingdom, and respecting such goods when subject to any countervailing duties or regulations of Excise; and all such spirits so imported shall, on arriving in England, Scotland, or Ireland respectively, be dealt with in all respects as if the same had been distilled and made in the country into which the same have been so imported, and shall be removed by permit as spirits of the like kind or denomination are directed to be removed by permit under the laws of Customs and Excise; and the person or persons to whom the same are sent for sale shall have the same privileges, and be subject to the like licences, regulations, and penalties in respect of such spirits, as rectifiers, dealers in and retailers of spirits in the country into which such spirits have been imported, and as if such spirits had been distilled in the same.

IV. That no spirits of the produce or manufacture of any of the said islands, and imported into any part of the United Kingdom, shall be deemed or taken to be plain British spirits under this Act, unless the same are made and distilled from the same materials as the like spirits are directed to be made when distilled in the United Kingdom; (*videlicet*) malt, corn, or grain, or any mixture thereof, or sugar only, or potatoes only, or mangel-wurzel only; and the declaration and certificate of produce required by the laws of the Customs shall specify the particular materials aforesaid from which such spirits have been made.

factured; and in case any dispute arises thereupon, the proof that such spirits have been made and distilled from such materials as aforesaid shall lie upon the importer, owner, or claimer thereof; and if any such declaration or certificate as aforesaid is found to be false in any of the particulars aforesaid, or in any particular therein mentioned, and required to be inserted therein by the laws of the Customs, all the spirits imported thereon, or to which such declaration or certificate relates, shall be forfeited, and may be seized by any officer of Customs or Excise.

v. That no spirits of the nature or quality of British brandy or British compounds, or any spirits other than plain British spirits as the same are respectively denominated and described in the laws of Excise and by this Act, the produce or manufacture of any of the said islands, shall be imported into any part of the United Kingdom, on pain of the forfeiture thereof, and of all casks or other packages, and of the vessel or boat, used in the removal or importation thereof, which may be seized by any officer of Customs or Excise; and the importer thereof, and every person concerned therein, shall for every such offence incur the penalty of 100*l.*; and all such penalties and forfeitures may be sued for, recovered, and applied as any other penalties or forfeitures under any of the laws of the Customs or Excise.

vi. That any spirits of the produce or manufacture of any of the islands aforesaid may, if imported for exportation only, be imported into the United Kingdom, to be entered and warehoused for exportation only, under the provisions of any law or laws of the Customs in force for the time being made for the warehousing of goods without payment of duty upon the first entry thereof.

vii. That this Act shall be deemed to have commenced and shall take effect from and after the 8th of August 1844, for and in respect of all spirits of the nature or quality of British brandy or British compounds, or other spirits than plain British spirits as denominated and described in the laws of Excise and by this Act, the produce or manufacture of any of the said islands, which have been imported at any time subsequent to the above date, and are now in bond or Customs warehouse, in so far that no such spirits shall be removed or admitted into consumption in any part of the United Kingdom on payment of any countervailing duty or otherwise, but the same may be exported from the United Kingdom or otherwise, as the Commissioners of Her Majesty's Treasury may in that respect direct.

viii. That this Act may be amended or repealed by any Act or Acts to be passed in this present session of Parliament.

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#### CAP. LXVI.—IRELAND.

AN ACT to enable Her Majesty to endow new Colleges for the Advancement of Learning in *Ireland*.  
(31st July 1846.)

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#### ABSTRACT OF THE ENACTMENTS.

1. *Grant of 100,000*l.* out of the Consolidated Fund for building new colleges in Ireland.*
2. *Commissioners of Public Works to be trustees for providing buildings and lands necessary for the colleges.*
3. *Commissioners of Public Works to be a corporation for the purposes of this Act.*
4. *Power to Commissioners of Public Works to purchase or rent buildings, lands, &c. which may be required for said colleges.*
5. *Consolidation of Lands Clauses Consolidation Act with this Act.*
6. *Commissioners of Public Works to obtain surveys, plans, and specifications, and submit same to Treasury.*
7. *Commissioners of Public Works to lay accounts before Parliament.*
8. *Proceedings in actions by and against the Commissioners of Public Works.*
9. *Restraint on alienation of property.*
10. *Her Majesty to be visitor of the new colleges.*
11. *Statutes made for the discipline of the colleges to be laid before Parliament.*
12. *Grant of 21,000*l.* annually out of Consolidated Fund for endowing new colleges.*
13. *Fees may be taken in addition to stipends, and for the benefit of the college.*
14. *Lecture rooms to be assigned for religious instruction.*
15. *Where students shall dwell.*
16. *Licence of tutors and masters of boarding houses.*
17. *Endowment of halls for students.*
18. *Commissioners of Public Works may make loans to companies incorporated for founding halls.*
19. *Religious teachers to be endowed by private benefactions.*
20. *Colleges to make reports to Her Majesty, to be laid before Parliament.*
21. *Alteration of Act.*

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By this ACT,

or the better advancement of learning among all classes of Her Majesty's subjects in Ireland,—

It is Enacted,

That in case Her Majesty shall be pleased by letters patent under the great seal of Ireland to found one or more new colleges for the advancement of learning in Ireland, the Commissioners of Her Majesty's Treasury of the United Kingdom

of Great Britain and Ireland for the time being shall be empowered, by warrant under the hands of any three or more of them, to charge the Consolidated Fund of the said United Kingdom (after providing for all preceding charges, and in preference to all future charges), and to direct to be issued or paid thereout, such sum of money as shall be needed by the trustees hereinafter mentioned for purchasing or providing lands, tenements, and hereditaments for the use of such colleges or colleges, and for the necessary buildings, with the appurtenances thereof, and for establishing and furnishing the same, not exceeding the sum of 100,000*l.* in the whole.

II. That the Commissioners of Public Works in Ireland for the time being shall be trustees for the purpose of purchasing or providing, as hereinafter mentioned, any buildings, lands, tenements, or hereditaments that may be necessary for the said colleges and the sites thereof, and the premises to be occupied therewith respectively, and for erecting thereon suitable buildings, and for repairing, enlarging, and improving the same from time to time, and for upholding and furnishing the same from time to time, for the use of the said colleges respectively.

III. That for the purposes of this Act the said Commissioners of Public Works in Ireland for the time being, and their successors, shall be a corporation by the name or style of "The Commissioners of Public Works in Ireland," and by that name, for the purposes of this Act, shall have perpetual succession and a common seal, to be by them made, and from time to time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all courts and before all Justices and others, and in that capacity shall be deemed promoters of the undertaking authorized to be executed by this Act.

IV. That in order to enable the said Commissioners of Public Works in Ireland to purchase and provide the buildings, lands, tenements, and hereditaments which may be required for the said colleges and the sites thereof, it shall be lawful for the said Commissioners, with the approval of the Commissioners of Her Majesty's Treasury, to contract and agree with any person or persons, or body or bodies corporate, for the purchase or renting of any buildings, lands, tenements, or hereditaments required for such colleges or the sites thereof, and also for the purchase of any subsisting leases, terms, estates or interest therein or charges thereon; and the buildings, lands, tenements, or hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to or in trust for Her Majesty, her heirs, and successors, in such manner and form as the said Commissioners of Her Majesty's Treasury shall direct.

v. That the "Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act, except the clauses with respect to the purchase and taking of lands otherwise than by agreement: Provided always, that all things by the said Act required or authorized to be done by the promoters of the undertaking may be done by any two of the Commissioners of Public Works in Ireland, subject to the approval of the Commissioners of Her Majesty's Treasury in the cases provided by this Act.

VI. That it shall be lawful for the said Commissioners of Public Works, if they shall be so directed by the Commissioners of Her Majesty's Treasury, to employ the county surveyor, or any other competent surveyor or architect, to make a survey and estimate of any of the said proposed works, and to prepare such plan, section, or specification thereof as may be necessary, and send the same to the Commissioners of Her Majesty's Treasury for their approval; and if the said Commissioners of Her Majesty's Treasury shall think fit to authorize the work in any such plan, section, or specification, or any modification thereof which they may think proper, to be undertaken, they shall, by warrant under their hands, direct the said Commissioners of Public Works to execute such work at and for an amount not exceeding a sum to be specified in such warrant; and the said Commissioners of Public Works shall, upon receipt of such warrant, forthwith cause the construction of the work mentioned therein to be proceeded with.

VII. That the said Commissioners of Public Works shall cause detailed accounts in writing of their proceedings under this Act, of the several sums received by them as such commissioners for the purposes of this Act, and of the sums expended by them for such purposes, and the mode of such expenditure, and the several works made or in progress under this Act, to be made up to the 31st of December in each year; and such accounts shall be laid before both houses of Parliament within six weeks thereafter, if Parliament be then sitting, or if not, then within six weeks after the first meeting of Parliament subsequent to the 31st of December; and the said Commissioners shall, as often as they shall be required so to do by the Commissioners of Her Majesty's Treasury, transmit to the said Commissioners of the Treasury like accounts made up to such period as the said Commissioners of the Treasury shall direct; and it shall be lawful for the said Commissioners of Her Majesty's Treasury to give such directions as they shall think proper, defining the duties of the said Commissioners of Public Works in the execution of this Act; and the said Commissioners of Public Works shall observe all such directions as aforesaid which shall from time to time be signified to them by the said Commissioners of Her Majesty's Treasury.

VIII. That the several enactments contained in an Act, 1 & 2 Will. 4. c. 33, intituled 'An Act for the Extension and Promotion of Public Works in Ireland,' which affect or relate to any action or suit to be commenced against the Commissioners for the execution of the last-recited Act, or their secretary, or any person or persons, for anything done by virtue of or in pursuance of the last-recited Act, or any proceedings in any such action or suit, or any limitation of time for the commencing thereof, or any costs thereof, or any evidence to be given therein, or any notice of action or suit or satisfaction tender thereof, or any action or suit to be commenced by the said Commissioners, or any proceedings therein, or the said Commissioners suing or being sued in the name of their secretary, or any abatement or discontinuance of any such action or suit, or to the Court in which, or to the terms or conditions on which, any such action or suit shall be brought against the said Commissioners, collectively or individually, or their secretary, shall be held to apply to and extend to any action or suit to be commenced against the Commissioners of Public Works in Ireland, or their secretary, or any person or persons for anything done by virtue of or in pursuance of this Act, or to any proceedings in any such action or suit, or to any limitation of time for the commencing thereof, or to any costs thereof, or to any notice of any such action or suit, or to any evidence to be given therein, or to any action or suit to be commenced by the said Commissioners of Public Works in the execution of this Act, or on account of or in pursuance of this Act, or to any proceedings in any such action or suit, or the said Commissioners suing or being sued in the name of their secretary for the time being, or to any abatement or discontinuance of any such action or suit, or to the Court in which or to the terms or conditions on which any such action or suit shall be brought against the said Commissioners of Public Works, collectively or individually, or against their secretary.

x. That it shall not be lawful for any college within the provisions of this Act to alien, mortgage, charge, or demise any lands, tenements, or hereditaments to which it may become entitled, unless with the approval of the Commissioners of Her Majesty's Treasury, except by way of lease for any term not exceeding thirty-one years from the time when such lease shall be made, in and by which there shall be received and made payable, during the whole of the term thereby granted, the best yearly rent that can reasonably be gotten for the same, without any fine or foregift.

x. Provided and enacted, That no college shall be entitled to the benefit of this Act, or deemed to be within the provisions thereof, unless it be declared and provided, in and by the letters patent constituting such college, that the visitor or visitors of the said college shall be such person or persons as it shall please Her Majesty, her heirs and successors, from time to time to appoint, by any warrant or warrants under the sign manual, to execute the office of visitor; and that all the statutes, rules, and ordinances concerning the government and discipline of such colleges shall be made or approved by Her Majesty, her heirs and successors; and that the president, vice-president, and professors shall hold their several offices during the pleasure of Her Majesty, her heirs and successors; and that the sole power of appointing the president and vice-president shall be vested in Her Majesty, her heirs and successors, and that the power of appointing the professors shall be vested in Her Majesty, her heirs and successors, until the end of the year 1848, and afterwards as shall be otherwise provided by Parliament, or in default of any provision to the contrary, in Her Majesty, her heirs and successors.

xi. That all the statutes, rules, and ordinances which shall be made or approved from time to time by Her Majesty, her heirs and successors, concerning the government and discipline of the said colleges respectively, which shall be in force at the beginning of every session of Parliament, and which shall not have been before that time laid before Parliament, shall from time to time, within six weeks after the beginning of every such session, be laid before both Houses of Parliament by one of Her Majesty's Principal Secretaries of State.

xii. That the said Commissioners of Her Majesty's Treasury shall be empowered, by warrant under the hands of any three or more of them, to charge the said Consolidated Fund of the said United Kingdom (after providing for all preceding charges, but having preference for all future charges), and to direct to be issued or paid thereout by four equal quarterly payments, on the 5th of January, the 5th of April, the 5th of July, and the 10th of October in every year, such sums of money as shall be needed for defraying the several stipends which shall be by Her Majesty appointed to be paid to the president and vice-president and to such professors in the several faculties of Arts, Law, and Physic as shall be from time to time established by Her Majesty, her heirs and successors, and to the bursar, registrar, librarian, and other office bearers and servants in each of the said colleges, and for defraying the expense of such prizes and exhibitions as shall be by Her Majesty, her heirs and successors, awarded for the encouragement and reward of students in each of the said colleges, not exceeding in any one year the sum of 7,000*l.* for every such college, or the sum of 21,000*l.* in the whole, the first instalment for each college to become due and payable on such of the said quarterly days of payment as shall first happen next after the grant of the letters patent for the establishment of such college.

xiii. And it is declared and enacted, That it shall be lawful for the professors in each of the said colleges in addition to the stipends with which they shall be so respectively endowed, to demand and receive from the students in the said colleges such reasonable fees for attendance on their lectures, and for the bursar of the college to collect from the said students, on behalf of the said college, such reasonable fees for matriculation and other collegiate proceedings, as shall be from time to time provided by the statutes, rules, and ordinances so to be made or approved by Her Majesty, her heirs and successors, as foresaid.

And for the better enabling every student in the said colleges to receive religious instruction according to the creed which he professes to hold,—

It is Enacted,

xiv. That it shall be lawful for the president and professors or other governing body of each of the said colleges which shall be constituted in and by the said letters patent to assign lecture rooms within the precincts of such college, wholly or in part, for the use of such religious teachers as shall be recognized by such governing body, subject in each case to the approval of Her Majesty, her heirs and successors, and also subject to the like approval, to make rules concerning the days and times when such religious instruction shall be given therein, and for securing that the same shall not interfere with the general discipline of the college: Provided always, that no student shall be compelled by any rule of the college to attend any theological lecture or religious instruction other than is approved by his parents or guardians, and that no religious test shall be administered to any person in order to entitle him to be admitted a student of any such college, or to hold any office therein to partake of any advantage or privilege thereof; but this proviso shall not be deemed to prevent the making of regulations securing the due attendance of the students for divine worship at such church or chapel as shall be approved by their parents or guardians respectively.

And for the better government of the students in the said colleges,—

It is Enacted,

rv. That no student shall be allowed to continue in any of the said colleges unless he shall dwell with his parent or guardian, or with some near relation or friend selected by his parent or guardian and approved by the president of the college, with a tutor or master of a boarding house licensed by the president of the college as hereinafter provided, or in a hall founded and endowed for the reception of students and recognized by the college as hereinafter provided.

vi. That every person who is desirous of being licensed as a tutor or master of a boarding-house in any of the said colleges shall apply in writing under his hand to the president of the college for his licence; and it shall be lawful for the president, if he shall think fit, to require of any such applicant such testimonials of character and fitness for the office as shall be satisfactory to him; and the application shall specify the house or houses belonging to or occupied by the applicant,



and intended by him for the reception of students, and the number of students who may be conveniently lodged and boarded therein, and also the provision or regulation proposed to be made for securing to the said students the means of due attendance upon such religious instruction and divine worship as may be approved by his parents and guardians and recognized by the governing body of the college, and thereupon it shall be lawful for the president, in his discretion, to grant or withhold the licence for the academical year then current or then next ensuing; and every such licence shall be registered in the archives of the college, and shall enure until the end of the academical year in which it shall be registered, and shall then be of no force unless renewed in like manner, but shall be revocable at any time, and may be forthwith revoked by the president of the college in case of any misbehaviour of such tutor or master of a boarding-house, or of the students under his care, which in the opinion of the president and a majority of the professors of the college ought to be punished by immediate revocation of such licence.

xvii. That it shall be lawful for any person whomsoever having power to make an absolute disposition thereof to give, grant, devise, bequeath, or assure, by any deed, will, or other instrument sufficient in law to create or convey an estate therein, any messuages, lands, tenements, and hereditaments, or any estate therein, or any interest arising thereout, or any money, chattels, and effects, to any trustee or trustees willing to accept the trust, or to the Commissioners of Charitable Donations and Bequests in Ireland and their successors, in trust for founding and endowing halls for the reception of students in any of the said colleges, and by such deed, will, or instrument to establish rules, or to specify the authority for establishing rules to be observed by the students admitted to the benefits of such foundation, and to specify the authority by which the observance of such rules is to be enforced: Provided always, that no such hall shall be recognized by any of the said colleges unless the instrument of foundation shall provide that such rules, and also the appointment from time to time of the principal or other person holding chief authority in such hall, shall be of no force until allowed by the person or persons appointed or to be appointed as aforesaid by Her Majesty, her heirs and successors, to execute the office of visitor of the said college.

And for the encouragement of persons willing to found and endow halls for the reception of students in the said colleges as aforesaid;—

It is Declared and Enacted,

xviii. That if Her Majesty, her heirs and successors, shall be pleased, by letters patent under the great seal of Ireland, to incorporate any number of persons willing to found and endow any such hall or halls as aforesaid, such incorporated hall shall be deemed a public work for the promotion of which the Commissioners of Public Works in Ireland may make loans within the meaning of an Act, 1 & 2 Will. 4. c. 33, intituled 'An Act for the Extension and Promotion of Public Works in Ireland,' and of all Acts passed or to be passed for the amendment thereof; and that it shall be lawful for the Commissioners of Public Works in Ireland to make loans to such incorporated bodies respectively for the extension and promotion of such foundations according to the provisions of the last-recited Acts.

xix. That it shall be lawful for any person whomsoever having power to make an absolute disposition thereof to give, grant, devise, bequeath, or assure, by any deed, will, or other instrument sufficient in law to create or convey an estate therein, any messuages, lands, tenements, and hereditaments, or any estate therein, or interest arising thereout, or any money, chattels, and effects, to any trustee or trustees willing to accept the trust, or to the Commissioners of Charitable Donations and Bequests in Ireland, and their successors, in trust for establishing and maintaining lectures or other forms of religious instruction for the use of such students of the said colleges respectively as shall be desirous of receiving the same, subject to such regulations consistent with the intentions of the donor thereof, as shall be made by the governing body of the college, and approved by Her Majesty, her heirs and successors: Provided always, that no such gift shall take effect until it shall have been accepted by the governing body of the college, and until Her Majesty, her heirs and successors, shall have signified her or their approval of the regulations according to which such gift is to be applied.

xx. That every such college which shall be established and endowed under this Act shall once at least in every year, and also whenever Her Majesty's pleasure shall be signified in that behalf, report to Her Majesty their proceedings; and a copy of every such report shall be laid before both Houses of Parliament within six weeks after the same shall have been made, if Parliament be then sitting, or if not, then within six weeks next after the next meeting of Parliament.

xxi. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

## CAP. LXVII.—IRELAND.

AN ACT for making further Regulations for more effectually securing the Correctness of the Jurors Books in Ireland.

(31st July 1845.)

### ABSTRACT OF THE ENACTMENTS.

1. *Repeal of part of section 9. of 3 & 4 Will. 4. c. 91.*
2. *Jury lists, when allowed and signed by the Justices, to be numbered in their presence with the consecutive numbers 1, 2, 3, &c. and a general list to be made out, and then to be signed by the Justices.—The general list to be copied into a book to be called the jurors book.*

3. *The jury lists, &c. to be placed among the records in the office of the clerk of the peace, and be open for inspection.*
4. *Jurors book may be corrected by the Court of Queen's Bench or by a single Judge, upon complaint made thereof.*
5. *High constables and collectors required to cause lists to be printed.*
6. *Grand jury at assizes, &c. to present sum of money for expense of printing lists.*
7. *Alteration of Act.*

By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 91, containing directions for making out yearly in every county, county of a city, and county of a town in Ireland, a list or lists of all persons qualified and liable to serve on juries as therein provided, and for copying the same into a book, to be called "The Jurors Book," and enacting that the sheriff shall not, in answer to any writ of *venire facias*, or precept for the return of jurors, return the names of any persons not contained in the jurors book for the then current year: And that it is expedient to make further regulations for the purpose of more effectually securing the correctness of the said jurors books;—

It is Enacted,

1. That the following provision of the said Act, (*videlicet*), "and when every such list shall be duly corrected by the Justices present at such special sessions or adjournment thereof, and allowed and signed by them or three of them, they the said Justices shall cause one general list to be made out therefrom, containing the names of all persons whose qualification shall have been so allowed, arranged according to rank and property; and the presiding Justices at such sessions shall deliver the same to the clerk of the peace, who shall thereupon cause the same to be truly and fairly copied, in the same order, in a book to be by him provided for that purpose at the expense of the county, city, and town respectively, with proper columns for making the register hereinafter directed, and shall forthwith deliver the same book to the sheriff of the county, city, or town, or his under-sheriff, or the town clerk, which book shall be called 'The Jurors Book for the year' (inserting the calendar year for which such book is to be in use), and that every sheriff on quitting his office shall deliver the same to the succeeding sheriff; and that every jurors book so prepared shall be brought into use on the 1st of January after it shall be so delivered by the clerk of the peace to the sheriff, or his under-sheriff, and shall be used for one year then next following," shall be and the same is hereby repealed.

And instead thereof,—

It is Enacted,

11. That when every such list made out and delivered by any high constable or collector shall be duly corrected by the Justices present at such special sessions or adjournment thereof, as in the said Act is mentioned, the said lists shall be marked in their presence with the successive numbers 1, 2, 3, &c., according to the number of such lists; and when the said lists, so corrected and numbered, shall be allowed and signed by them or any three of them, the said Justices shall cause one general list to be made out therefrom, containing the names of all persons whose qualification shall have been so allowed, arranged according to rank and property, which general list shall be compared by the presiding Justices at such sessions with the said lists so allowed and signed and numbered as aforesaid, and shall be corrected by such Justices (if necessary) by reference to such lists, and be made to correspond therewith; and the presiding Justices at such sessions shall sign such general list at the foot of each page thereof, and shall deliver the same, together with the lists so allowed and signed and numbered as aforesaid, to the clerk of the peace, who shall thereupon cause the same to be truly and fairly copied, in the same order in which the names shall be arranged in the said general list in a book to be by him provided for that purpose at the expense of the county, city and town respectively, with proper columns for making the register directed by the said Act, and shall forthwith deliver the same book to the sheriff of the county, city, or town, or his under-sheriff, or the town clerk, which book shall be called 'The Jurors Book for the Year' (inserting the calendar year for which such book is to be in use), and that every sheriff on quitting his office shall deliver the same to the succeeding sheriff, and that every jurors book so prepared shall be brought into use on the 1st of January after it shall be so delivered by the clerk of the peace to the sheriff or his under-sheriff, and shall be used for one year then next following.

111. That the clerk of the peace shall cause the said jury lists, so allowed and signed as aforesaid, and the said general list, to be placed among the records in his office, and shall allow the same to be inspected at all reasonable times, without fee or reward, any person who, by the provisions of the said Act, 3 & 4 Will. 4. c. 91, would be entitled to peruse the copies of any of the jury lists delivered to such clerk of the peace by the high constable and collector or collectors.

v. That if the jurors book shall be found to contain any name which shall not be contained in any one of the said jury lists, or if any name which shall be contained in any one of such jury lists shall not appear in such book, it shall be lawful for His Majesty's Court of Queen's Bench in Dublin, or any Judge of the said court, upon complaint thereof made to the said court or Judge, to order the said sheriff or under-sheriff and the clerk of the peace respectively to produce the said jurors book and the said jury lists to the said Court or Judge: and if upon inspection of the said book and jury lists any such error shall be found in the said jurors book, the said Court or Judge shall order the same to be amended, and such amendment shall be made with made and signed by the said sheriff or under-sheriff and clerk of the peace, in the presence of the said Court or Judge.

And after reciting that it is desirable that the lists to be made out by the high constables and collector or collectors under the provisions of the said Act should in every case be printed;—

It is Enacted,

That instead of the words "you are authorized to order a sufficient number of copies thereof to be printed," which are contained in the precept for returning lists of jurors in Schedule (A.) to the said Act annexed, such precept shall in every case contain the words following; (*videlicet*), "you are required to order a sufficient number of copies thereof to be printed;" and the said high constables and collector or collectors are hereby required to cause a sufficient number of copies of the said lists to be printed accordingly.

vi. That it shall be lawful for the grand jury of each county, county of a city, or county of a town, from time to time at the next ensuing assizes or presenting term, and they are hereby empowered, if they shall so think fit, without previous application at presentment sessions, to present such sum of money as they shall deem reasonable for defraying the expense of printing such lists.

vii. That this Act may be amended or repealed in this present session of Parliament.

### CAP. LXVIII.

#### AN ACT to stay Execution of Judgment for Misdemeanours upon giving Bail in Error.

(31st July 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. *Execution on judgments for misdemeanours stayed or suspended by writ of error and bail thereon.*
2. *Certificate of recognizance being duly filed.*
3. *Time of imprisonment how reckoned.*
4. *Payment and recovery of a fine not to prevent imprisonment till fine again paid.*
5. *Writ of error to be quashed in case of delay or neglect to prosecute it.*
6. *Act not to extend to Scotland.*
7. *Alteration of Act.*

By this ACT,

After reciting that it is expedient to make provision for staying the execution of judgment upon prosecution for misdemeanour while a writ of error is depending to reverse such judgment;—

It is Enacted,

1. That in every case of judgment, whether given before or after the passing of this Act for a misdemeanour, where the defendant or defendants shall have obtained a writ of error to reverse such judgment, execution thereupon shall be stayed until such writ of error shall be finally determined; and in case the defendant or defendants shall be imprisoned under such execution, or any fine shall have been levied, either in whole or in part, in pursuance of such judgment, the said defendant or defendants shall be entitled to be discharged from imprisonment, and to receive back any money levied on account of such fine from the person or persons in whose possession the same shall be, until such final determination as aforesaid: Provided always, that no execution upon any such judgment shall be stayed unless and until the defendant or defendants shall become bound by recognizance, to be acknowledged before one of the Judges of Her Majesty's Court of Queen's Bench, or one of the Commissioners appointed to take special bail in actions depending in the superior courts, with two sufficient sureties, to be approved of by such Judge or Commissioner, in such sum as such Judge or Commissioner shall direct, to prosecute the writ of error with effect; and in case the judgment shall be affirmed, forthwith to render the said defendant or defendants to prison, according to the said judgment, where imprisonment shall have been adjudged; and every such recognizance shall, after justification of bail be filed of record in the said Court of Queen's Bench, in like manner and upon payment of the like fees as in the case of other recognizances filed in the Crown Office in that court; and the Judge of the said Court of Queen's Bench and the said Commissioner shall have the like powers in respect of the justifying such bail in error, and the examination of the sureties, as the like rules shall apply, as in respect of special bail in actions depending in such court: Provided always, that in the case of any defendant under legal disability it shall be sufficient if two persons, to be approved of by such Judge or Commissioner, shall become bound by recognizance on the behalf of such defendant, to be acknowledged and conditioned as aforesaid.

11. That the clerk of the crown in the said Court of Queen's Bench shall for the purposes hereinafter mentioned make and deliver to the defendant or defendants, or his or their lawful attorney, certificates in writing under his hand that such recognizance is duly filed of record in such court, upon payment of the like fee as for other certificates delivered at the Crown Office; and any such certificate, when duly verified by affidavit to be made before one of the Judges of the superior courts at common law, or a commissioner duly authorized, shall be a sufficient warrant to every gaoler or other person having custody of such defendant or defendants in execution of such judgment to discharge him or them out of custody, and also to every person having in his possession the whole or any part of any fine levied in execution of such judgment, to authorize and require the repayment thereof to the defendant or defendants; but no person who shall have received any such money, and have paid it over to any other person, according to the course of the Exchequer, shall be liable to repay to the defendant or defendants any part of the money so paid over.

111. That where judgment upon such writ of error shall be affirmed, and imprisonment shall have been adjudged, the period for its continuance in pursuance of such judgment, if such imprisonment shall not have commenced under such execution shall be reckoned to begin from the day when such defendant or defendants shall be in actual custody under such judgment; and if the defendant or defendants shall have been discharged from imprisonment in manner hereinbefore provided, such defendant or defendants shall be liable to be imprisoned for such further period as, with the time during which such defendant or defendants may already have been imprisoned under such execution, shall be equal to the period for which such defendant or defendants was or were so adjudged to be imprisoned as aforesaid.

IV. And it is declared and enacted, That when the judgment shall have been for payment of a fine, and imprisonment until such fine be paid, either with or without imprisonment for a certain time, and the defendant or defendants shall have paid the fine, or the same or any part thereof shall have been levied, and shall have been received back, under the provisions hereinbefore contained, and the judgment upon writ of error brought shall be affirmed, the defendant or defendants shall not be entitled, by reason of such payment as aforesaid, to be discharged from imprisonment, notwithstanding the expiration of any certain time of imprisonment for which the original judgment shall have been given, until the fine shall be again paid.

V. That if the Court in which any such writ of error shall be pending shall upon motion in that behalf decide that the defendant or defendants by whom it shall be brought has or have wilfully delayed or neglected to prosecute the same with effect, it shall be lawful for such Court to order the writ of error to be quashed, and thereupon the defendant or defendants who brought such writ of error shall be liable to execution upon the judgment.

VI. That this Act shall not extend to Scotland.

VII. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

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CAP. LXIX.—IRELAND.

AN ACT to amend an Act of the Sixth Year of Her present Majesty, for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in *Ireland*.

(31st July 1845.)

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ABSTRACT OF THE ENACTMENTS.

1. *Apportioned expenses of works to be charged on lands.*
2. *Provisions in recited Act as to charge on lands to apply to land of the same proprietor.*
3. *The proprietors may give other security in lieu of the lands so situate.*
4. *The whole of the lands chargeable shall be described in the declaration.*
5. *The Commissioners to cause memorandum of declaration to be drawn up and registered.*
6. *Declarations heretofore made to be registered.*
7. *No appeal, unless notice in writing within twenty-one days after declaration.*
8. *Power to borrow money to pay interest pending execution of works.*
9. *Certificate of loans may be transferred by indorsement.*
10. *Commissioners may make certificates payable within certain periods.*
11. *Commissioners to determine by ballot the order in which certificates shall be paid.*
12. *The Commissioners may, on notice, pay off certificates.*
13. *Commissioners may invest funds.*
14. *Power to sue and be sued.*
15. *Commissioners may in declaration refer to maps and schedules.*
16. *Assents to be in the form in schedule.*
17. *Production of assents to be proof of execution.*
18. *Officers to give security.*
19. *Security for sums heretofore advanced.*
20. *Value of lands.*
21. *Interpretation of Act.*
22. *Alteration of Act.*

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By this Act,

After reciting that by 5 & 6 Vict. c. 89. it is amongst other things enacted, that if the proprietors of two-thirds or more in extent of the lands proposed to be drained or improved by drainage under the provisions of the said Act should have assented in writing to the execution of the proposed works, the Commissioners acting in execution of said Act should make and sign a declaration describing the lands proposed to be drained or improved, and declaring the then actual value thereof, and the increase in such value by means of the proposed works, and the proportion in which such lands should be chargeable towards the expense of the proposed works, such proportion being fixed according to such actual value and such estimated increase as aforesaid, and also stating the several other matters and things in and by the said Act authorized and required; and it is by the said Act further enacted, that it should and might be lawful for the Commissioners appointed under the said Act, from time to time as occasion should require, to borrow and take up at interest any sum or sums of money required for paying the costs, charges, and expenses to be incurred by them in the execution of any works for the drainage and improvement of any land, or the navigation of any river, or the formation of any reservoir under or by virtue of the said Act, and that the repayment of such sum or sums of money, with interest at a rate not exceeding 5l. per centum per annum, should be secured to the party lending the same upon the monies accruing to the said Commissioners under or by virtue of the said Act to be made by the said Commissioners as in the said Act mentioned; and it is in and by the said Act further enacted, that as soon as conveniently might be after any works for the drainage or improvement of any land or the navigation

of any river under the said Act, or any other work by the said Act authorized, should have been completed, the Commissioners should draw up an award or instrument in writing in the manner and form therein particularly mentioned and described, and that the respective sums of money which by the award of the said Commissioners should be specified as the proportions or contributions payable in respect of the several parcels or portions of the land drained or improved by drainage, or by any works under the said Act, towards the total amount of the sums expended in and about such drainage or improvements as aforesaid, with interest for such respective sums of money at a rate not exceeding 5*l.* per centum per annum from the date of such award, should be charged on such several parcels or portions of the land so drained or improved as aforesaid, and that in preference to and with priority over all incumbrances on such land: Provided nevertheless, that any quit or chief rent issuing thereout, or other incumbrance thereon, previously to the date of the said award, should have priority to such charges to the extent of the value of such land before the improvements were effected, but no further; and the same respective sums of money, with such interest for the same as aforesaid, should also be charged upon so much of any other land situate within one mile of any part of the lands so drained or improved, and settled with the lands so drained or improved to the same uses, intents, and purposes, by virtue of limitations contained in the same instrument or the same set of instruments, as the said Commissioners should by their said award, or any instrument under their hands and seals inrolled in the Rolls Office, direct, limit, and appoint, having regard to the sufficiency of the said lands to satisfy and secure the charge thereon, but subject, as to such other land, to the full amount of all incumbrances affecting the same prior to the date of the said award: And that applications have been made to the said Commissioners for the drainage of land, and the improvement of navigation and water power of several rivers and lakes, in Ireland, and undertakings and works for those purposes are now in progress under the direction of the said Commissioners: And that it is expedient and just that the monies to be charged upon lands by any such award as aforesaid shall take priority and have effect as to such lands from the date of the said declaration in and by the said Act authorized, instead of the date of the said award; and for the more effectual attainment and extension of the benefits likely to arise from the said Act it is expedient to facilitate the raising of monies for the purposes thereof, and to amend the said Act in certain other respects as hereinafter mentioned:—

It is Enacted,

I. That in the case of all loans to be effected and declarations to be made by the said Commissioners after the passing of this Act, under the provisions of said recited Act or this Act, the respective sums of money which, by the award to be made by the said Commissioners, shall be specified as the proportions or contributions payable in respect of the several parcels or portions of the land drained or improved by drainage, or by any works under the said Act or this Act, towards the total amount of the sums expended in and about such drainage or improvements as aforesaid, with interest for such respective sums of money at the rate not exceeding 5*l.* per centum per annum, shall from the date of such declaration be charged on such several parcels or portions of the land so drained or improved as aforesaid, and that in preference to and with priority over all incumbrances on such land, save only that any quit or chief rent issuing thereout, or other incumbrance thereon, previously to the date of the memorandum of the registry of such declaration, as by this Act authorized and directed to be made by the said Commissioners shall have priority to such respective sums of money so charged to the extent of the value (as stated by the said Commissioners in any such declaration) of such land before the improvements were commenced, but no further; and the same respective sums of money, with such interest for the same as aforesaid, shall also be charged upon so much of any other land situate within one mile of any part of the lands so drained or improved, and settled with the lands so drained or improved, to the same uses, intents, and purposes, by virtue of limitations contained in the same instrument or the same set of instruments, as the said Commissioners shall by the said award, or any instrument under their hands and seals, and inrolled in the Rolls Office, direct, limit, and appoint, having regard to the sufficiency of the said lands to satisfy and secure the charge thereon, but subject, as to such other land as aforesaid, not being part of the lands so drained or improved, to the full amount of all incumbrances affecting the same prior to the registry of the memorandum of such declaration.

II. That the provisions in the said recited Act and this Act contained relating to the charge of any monies or interest on land situate within one mile of any part of the land drained or improved shall be deemed and construed to extend and apply to all land belonging to the same proprietor, as the land so drained or improved, situate within one mile of any part of the lands so drained and improved, for all his estate and interest existing at the time of such declaration of the said Commissioners as aforesaid.

III. That if any proprietor shall prefer to give other security in lieu of the lands so situate within one mile of the land drained or improved as aforesaid, such security shall be given within a time to be fixed by public notice by the Commissioners previous to the date of the declaration aforesaid, anything in the said Act to the contrary notwithstanding.

IV. That the extent of the whole of the land or premises which, under the provisions of said Act or this Act, may become chargeable with the monies expended in pursuance of the provisions thereof, shall be entered, stated, or described in every such declaration, as hereinbefore mentioned to be made by said Commissioners; and when such declaration shall be finally settled a copy thereof shall be printed, and deposited with the clerk of the peace, as in said Act directed.

V. That so soon as conveniently may be after the making of any such declaration as in and by the said recited Act or this Act authorized as aforesaid the said Commissioners shall draw up a memorandum or instrument in writing, setting forth therein the several lands (with the county, county of a city or town, and barony or parish in which the same may be situate) which shall be the subject of or contained in such declaration, and also setting forth the proprietors of such lands respectively, and which memorandum or instrument shall be signed and sealed by the said Commissioners, and be in the form in the Schedule marked (B.) to this Act annexed, or as near thereto as the circumstances of the case will admit; and the said Commissioners shall at the same time sign and seal a memorial of such memorandum or instrument, directed to the registrar for registering deeds, conveyances, and wills in Ireland, and cause the memorial of such instrument to be registered in the office for registry of deeds in the city of Dublin; and the registrar of said registry office, his and their assistant, deputies, and other officers, are hereby authorized and required to receive and register the same in such and the same manner as any deeds or

instruments are registered in said office, and enter all such memorials of such instruments in the abstract books and indexes of or relating to memorials registered and kept in the said offices, subject to the payment of such fees as may now be lawfully demanded and received upon the registry of memorials of deeds in the said office.

**VI.** That the said Commissioners shall, within three months from the passing of this Act, draw up memorandums or instruments in writing in the manner and form aforesaid, or as near thereto as the circumstances of each case will admit, of the several declarations heretofore by them made under the provision of the said recited Act, and memorials thereof respectively, and cause the said memorials to be entered and registered in the register's office for registering of deeds in the city of Dublin in the same manner as last aforesaid.

**VII.** That no appeal to any assistant barrister against any declaration to be made by the said Commissioners shall be heard, unless a notice in writing of such appeal be lodged with the secretary of the said Commissioners at their office in Dublin within twenty-one days next after the publication of such declaration.

**VIII.** That when the said Commissioners shall think fit to borrow or raise at interest or shall have borrowed any sum of money under the powers for that purpose given by the said recited Act or this Act, it shall and may be lawful for the said Commissioners, if they shall so think fit, to include in such loan as well the principal sum estimated to be required as all interest which may be agreed to be paid thereon during the interval between such loan and the making of the award relative to the works for which such loan may have been contracted, such interest to be payable half-yearly or otherwise as the said Commissioners shall think fit; and all sums so borrowed for payment of interest shall be secured in like manner as the principal sum of which the interest shall have been so provided for as aforesaid.

**IX.** That from and after the passing of this Act it shall not be necessary that any transfer of the right or interest in or to any sum secured by any certificate heretofore issued or hereafter to be issued under the said recited Act or this Act shall be in any specified form, and that every person who shall be entitled to the money secured by any such certificate may transfer his right and interest to the principal sum and interest money thereby secured to any person by indorsement thereon, and that all rights and remedies of the person so indorsing in, to, or in respect of such certificate shall, after such indorsement, be vested in the person to whom such transfer shall be made, and that it shall not be necessary that the said transfer or indorsement shall be produced or certified to the secretary of the said Commissioners, or for the said secretary to make an entry thereof, as in and by the said recited Act directed.

**X.** That it shall and may be lawful for the said Commissioners, in any case where they shall so deem fit, to make any certificate or set of certificates granted under the said Act or this Act for the whole of the monies required to be borrowed for such case, payable at any time (to be fixed as hereinafter provided) intervening between two periods to be stated in such certificates; and it shall be lawful for the said Commissioners to alter the form of the certificate provided by the said Act to suit the circumstances of each case, and such certificate so varied shall be equally good and effectual as if the same were according to the form by said Act prescribed.

**XI.** That where more than one certificate for any such case shall be so issued and made payable between two such periods as aforesaid, the Commissioners shall, as soon as may be convenient after the final settlement of their award, give notice in the *Dublin Gazette*, and in such other newspapers and by such other means as they shall think fit, to the holders of such certificates of their intention, on a day and hour in said notice to be fixed, not sooner than fourteen days from the publication hereof, to hold a ballot for the purpose of determining the order in which such certificates shall be paid off; and upon the day and at or after the hour named the Commissioners shall accordingly proceed to make such ballot in presence of such (if any) the holders of such certificates, or their agents or representatives, as shall attend at such ballot, and if none of such persons shall attend then in the absence of such persons; and the result of such ballot shall be recorded in the office of the said Commissioners, and noted upon all such of the said certificates as shall be then or subsequently produced to the said Commissioners; and such record and notification shall be signed by the secretary for the time being of said Commissioners, and all such certificates shall be paid off in the order so to be determined by such ballot.

**XII.** That in all cases of certificates issued in the mode hereinbefore prescribed, and also in all cases where, pursuant to the provisions of the said recited Act, the Commissioners are empowered or required to borrow money at a lower rate of interest than the certificates which for the time being shall be in force shall bear, and shall issue like certificates at such reduced rate of interest, it shall and may be lawful for the said Commissioners and they are hereby required to publish a notice in the *Dublin Gazette*, and in such other newspapers as they shall deem fit, fixing a time not sooner than six months from the date of such notice, when the principal money secured by any or the whole of such certificates shall become payable, with regard to the order in which, in pursuance of the provisions of this Act and the said recited Act, such certificates shall have been made payable; and in such notice the certificates to become payable shall be described by the name of the tract or work for which they have been issued, and the number, letter, or other mark fixed by said Commissioners on such certificates; and it shall be lawful for the said Commissioners, at the expiration of the time in such notice stated, to pay the monies due on account of such certificates named in such notice, and from and after the expiration of the time pointed by said notice the interest on the principal monies secured by such certificates shall cease and determine.

**XIII.** That it shall be lawful for the said Commissioners from time to time to invest in any of the public or government funds or securities, in their names as such Commissioners, or in the name of their secretary for the time being, for the benefit of the parties interested in such funds, (but without risk to the said Commissioners,) any sums of money applicable to the purposes of the said recited Act or this Act which may be in their hands remaining unapplied.

**XIV.** That the said Commissioners may and shall in all cases sue and be sued in the name of the secretary of the Commissioners of Public Works in Ireland for the time being for and on behalf of the said Commissioners; and that in all suits or criminal or civil proceedings the name of the Commissioners of Drainage shall be a sufficient description

of the said Commissioners; and that no such action or suit at law or in equity shall abate or be discontinued by the death or removal of such secretary; and the secretary for the time being shall always be deemed the plaintiff or defendant in such action or suit (as the case may be).

xv. That it shall and may be lawful for the said Commissioners, in making any declaration or award, or doing any other act by this Act or the said recited Act authorized, to do so in and by reference to maps, plans and schedules, or otherwise, as they may think best.

xvi. That the assents of proprietors and owners under the said recited Act shall be in the form in the Schedule (A.) to this Act annexed, or as near thereto as the circumstances of each case will permit, and that the assent of every proprietor given under his hand in such form shall, to all intents and purposes, be conclusive against and binding upon such proprietor of, and all persons interested in the lands of such proprietor in respect of which such assent shall be given, and also upon and against the same lands respectively.

xvii. That the production of such assents by or from the office of the said Commissioners shall be deemed and taken in all courts of law and equity as good and sufficient proof thereof, and of the due execution thereof, without any further or other evidence of the execution of same.

xviii. That every clerk, collector, receiver, or other officer to be appointed or employed under the said recited Act or this Act, shall, when required so to do by the said Commissioners, give such security to the secretary for the time being of the Commissioners of Public Works in Ireland in such sum as shall be determined on by the Commissioners acting in execution of the said recited Act and this Act, conditioned for the due performance and execution of such duties and works for which such person or persons shall respectively be so appointed or employed as aforesaid, or in such other condition as the Commissioners of Drainage may think proper and require; and each security shall and may be sued upon and enforced by the secretary of Commissioners of Public Works for the time being for and on behalf of the said Commissioners of Drainage.

xix. That the respective sums of money which shall become chargeable under any award to be made by the said Commissioners in respect of any district as to which the said Commissioners have heretofore made a declaration, and as to which money has been borrowed and taken up by them for the execution of any work in such district, shall, for the purpose of securing the money so borrowed and taken up by the said Commissioners, be charges on the lands to become chargeable therewith as in said Act mentioned, but with priority over all charges created on such lands after the passing of this Act.

xx. That the extent in value of the land drained or improved before the improvements were effected in said Act mentioned shall be construed, deemed, and taken to be the value thereof before the improvements were commenced.

xxi. That the said recited Act shall continue and be in full force and effect, save and except so far as the same is altered by or inconsistent with this Act, and that the said recited Act and this Act shall be construed together as one Act; and that in the construction of this Act, except where the nature of the provision or the context of this Act shall exclude such construction, the words "lands," "river," "person," or "persons," "proprietor," or "proprietors," "quit or chief rent," and "counties," shall be construed to extend and be applied as in said recited Act is directed and provided; and every word importing the singular number only shall extend and be applied to several persons and things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; the words "said Commissioners" shall mean the Commissioners or any two of them acting in execution of the said recited Act and this Act; and the word "proprietor" in the said recited Act and this Act, in addition to the meanings in the said recited Act applied to it, shall also mean the reputed proprietor.

xxii. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

### SCHEDULES to which the foregoing Act refers.

#### SCHEDULE (A.)

DRAINAGE ACTS, VICT. C. .

#### ASSENT.

##### District of

WHEREAS, under the Provisions of an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled "An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland," and of another Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty amending the same, it is proposed to drain and improve by Drainage certain Lands within the District designated by the Commissioners for the Execution of the said Act the District of \_\_\_\_\_ in the County of \_\_\_\_\_ for which Purpose certain Maps, Plans, Sections, Estimate and Schedules have been lodged, in pursuance of the Provisions of said first-recited Act, for public Inspection for Six successive Weeks, as thereby directed, at \_\_\_\_\_ in the County of \_\_\_\_\_ and which said Maps, Plans, Sections and Estimate are signed by \_\_\_\_\_ Commissioners for the Execution of the said Act.

And whereas I, the undersigned, am a Proprietor, within the Terms of said Act, of some of the Lands within said District and comprised in said Schedules; that is to say, in the Townlands of \_\_\_\_\_

Now these Presents witness, that I have assented and do hereby assent, as such Proprietor, to the Execution of the Works for the Drainage and Improvement by Drainage of the Lands within said District by the said Commissioners, pursuant to the Provisions of the said Acts.

Witness my Hand, this                      Day of                      184 .  
Present

The undersigned, being Tenant of                      of the above Lands, whose Concurrence in the above Assent is required under the Provisions of the said Act, do hereby consent to the Execution of the said Works.

Witness my Hand, this                      Day of                      184 .  
Present when signed by

### SCHEDULE (B.)

#### *Memorandum of a Declaration under the Drainage Act.*

District of

County of

We, the Commissioners acting in execution of an Act made and passed in the Sixth Year of the Reign of Her present Majesty Queen Victoria, intituled [*here set forth Title of the original Act*], and also of another Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty amending the same, have heretofore, to wit, on the                      Day of 18 , made a Declaration in the Manner by the said Acts or one of them directed, and in the Schedule hereunto annexed we have set forth the several Lands which are the Subject of or contained in the said Declaration, as well as the Names of the Proprietors of such Lands respectively.

In witness whereof, &c.

Signed, sealed, and delivered by the said

In Presence of

Townland.	Barony or Parish.	County, County of a City or Town.	Name of Proprietor.

### CAP. LXX.

#### AN ACT for the further Amendment of the Church Building Acts.

(31st July 1845.)

#### ABSTRACT OF THE ENACTMENTS.

- Explanation and extension of the provisions of 3 Geo. 4. c. 72. s. 30.—Claims of persons to pews in the old church to be investigated, and if proved such persons to have pews in the new church, on the same terms as in the old one.
- Incumbent of old church and his successors to be incumbent of new church.
- Former proceedings under 3 Geo. 4. c. 72. s. 30. valid.
- Where any part of a cathedral church has been accustomed to be used as a parochial church, a transfer of the rights, endowments, &c. belonging to such parochial church may, with certain consents, be made by the Church Building Commissioners to a new church; and the parochial church shall thenceforth be under the same controul and subject to the same laws as to repairs as exist with respect to the cathedral church.
- Parish heretofore united with another shall be disunited after new church built therein.
- Appointment of churchwardens for a district chapeltry and consolidated chapeltry.
- Appointment of churchwardens for an additional church the site whereof has been accepted by the Commissioners.



8. No such churchwarden to be by virtue of his office overseer of the poor.
9. Explanation and amendment of part of 59 Geo. 3. c. 134. as to formation of consolidated chapelries.—Minister thereof to be a perpetual curate.
10. Offices of the church may be performed therein.—Apportionment of fees.
11. Few rents may be fixed for the minister and clerk of any consolidated chapelry, where the Commissioners have granted money for its erection.
12. Commissioners may in certain cases make grants in aid of the erection of a church for such consolidated chapelry.
13. How the freehold of sites for churches, &c. shall vest.
14. Land obtained for a burial ground for any parish may be declared by the Commissioners part of such parish for that purpose, although not within the bounds of such parish.
15. Church of a district parish may be resigned by the incumbent of original parish; such resignation to operate in the same manner as avoidance of church of the original parish.
16. Boundaries of new parishes or districts may be altered, although five years may not have elapsed since such new parishes or districts were formed.
17. Church of a district chapelry and church augmented by the Ecclesiastical Commissioners for England to be a perpetual curacy, and minister a perpetual curate.
18. Licence of minister of a new church (without a district) not void by reason of the avoidance of the parish church, unless revoked by bishop.
19. The purchase-money of lands sold under the provisions of recited Acts need not be paid into Bank of England, though it may amount to or exceed 200l., but may be paid to trustees.
20. The purchase-money of lands sold under 58 Geo. 3. c. 45. and belonging to an incumbent in right of his living, may be paid to and applied by the governors of Queen Anne's Bounty for the benefit of the incumbent.
21. Such purchase-money to be paid to the treasurer of Queen Anne's Bounty, and his receipt shall be a valid discharge.
22. Apportionment of bequests, &c. and also of charges, to be made by the Court of Chancery.
23. Agreement as to right of nomination entered into before building or consecration of any new church to be binding.
24. Assent of the Commissioners to any conveyance or other instrument shall be testified by their seal.—Unless so testified, the instrument shall not be registered.
25. Application of former Church Building Acts to this Act.

By this ACT,

After reciting the passing of 58 Geo. 3. c. 45, 59 Geo. 3. c. 134, 3 Geo. 4. c. 72, 5 Geo. 4. c. 103, 7 & 8 Geo. 4. c. 72, 1 & 2 Will. 4. c. 38, 2 & 3 Will. 4. c. 61, 7 Will. 4. & 1 Vict. c. 75, 1 & 2 Vict. c. 107, 2 & 3 Vict. c. 49, 3 & 4 Vict. c. 60, and 7 & 8 Vict. c. 56: And that it is expedient that some of the provisions of the hereinbefore recited Acts should be amended:—

It is Enacted,

1. That, notwithstanding any limitation or restriction or other thing contained in the hereinbefore recited Act, 3 Geo. 4. c. 72. s. 30, where a new church has been already built or shall hereafter be built in any parish or district parish, or ancient or parochial chapelry, and where the bishop of the diocese and the patron and incumbent of such parish, district parish, or ancient or parochial chapelry shall at any time certify to Her Majesty's Commissioners for Building New Churches that it will be for the convenience of such parish, district parish, or ancient or parochial chapelry that such new church, being duly consecrated, should be substituted for the old or existing church situate therein, it shall be lawful for the said Commissioners, by an instrument under their common seal, with the consents of such bishop, patron, and incumbent, under their hands and seals to declare that such new church, being duly consecrated, shall be substituted for such old or existing church, and to transfer the endowments, emoluments, or rights belonging to such old or existing church, or to the incumbent or minister thereof, to such new church, and to the incumbent or minister thereof, and his successors; and it shall be lawful in every such case for the trustees (if any) of such old or existing church, or of any rights, emoluments, or endowments belonging thereto, or to the incumbent or minister thereof, and they are hereby required, and indemnified for so doing, to transfer the same according to the direction of the said Commissioners; and immediately from and after such transfer all glebe lands, tithes, and other endowments, emoluments, fees, and profits, and every matter or thing, whether real or personal, and all rights and privileges wherewith any such old or existing church is, or was at the time of such substitution, endowed, or to which the incumbent or minister thereof was or is entitled, shall be vested in and belong to the incumbent or minister for the time being of such new church, and his successors, in as ample a manner as the incumbent or minister of the old or existing church might have enjoyed the same if such transfer had not taken place, and the incumbent or minister of such old or existing church shall thereupon be, to all intents and purposes, the rector, vicar, perpetual curate, or minister, as the case may be, of such new church, instead of rector, vicar, perpetual curate, or minister of such old or existing church, without any presentation, institution, induction, collation, or other form of law being had, observed, or required; and such new church shall thereupon have the same rights and privileges as such old or existing church, and such offices of the church as were performed and celebrated in such old or existing church shall be performed and celebrated in such new church, and such new church shall be to all intents and purposes in lieu of the old or existing church; and at any time within six months after the substitution of such new church for the old or existing church, the bishop of the diocese may of his own mere motion issue, or if thereunto required by any person claiming to hold a pew or seat free of rent in such old or existing church by faculty or prescription, shall issue a commission under his hand and seal, directed to the archdeacon of the archdeaconry in which such old or existing church shall be situate, and to any two incumbents of parishes situate within such archdeaconry, and to any two laymen nominated by the churchwardens of such old or existing church, who are hereby required to nominate for such purpose two fit persons not claiming any such pew or seat as aforesaid; and such commission shall direct the Commissioners thereby appointed to inquire into the rights of persons, if any, who claim to hold any such pews or seats as aforesaid; and the said Commissioners or any three or more of them, of whom the said archdeacon shall be one, shall, as soon as conveniently may be, proceed to

examine into such claims, after giving fourteen days previous notice thereof, by affixing a copy of such commission on the church door of such new church; and such notice, signed by such archdeacon, shall specify the day and time and place on which such examination is to be made; and after making an examination into such claims the Commissioners so appointed, or the majority of them shall, under their hands, transmit in writing to the said bishop the names and residences of the persons who have substantiated their claims to such pews or seats, and if the said bishop is satisfied therewith he shall assign under his hand and seal, to such parties respectively, convenient pews or seats in such new church, and such seats so assigned shall be held and enjoyed by the parties entitled to the same in as free and ample a manner as the pews or seats to which they had or would have been entitled in such old or existing church; and if any party shall find himself aggrieved by the finding of such commission the bishop of the diocese shall have power to afford redress, by allotting to such party seats in such new church, if the justice of the case shall in his judgment require it; and the old or existing church, if such bishop shall think fit, may thereupon be wholly or partly pulled down, under a faculty to be granted for that purpose; and the said bishop shall in that case take care that all tombstones, monuments, and monumental inscriptions in such church so pulled down are as far as may be preserved by the churchwardens, at the expense of the parish, or if it shall seem fit to the said bishop the same shall be transferred to the church so substituted as aforesaid, at the expense of the said parish or district parish, or ancient or parochial chapelry, as the case may be; provided that in case such new church shall have been built wholly or in part out of the funds placed at the disposal of Her Majesty's said Commissioners under the provisions of the hereinbefore recited Acts or any of them, and such transfer shall have been made, rents for the pews or seats in such new church shall only be fixed by Her Majesty's said Commissioners under the provisions of such Acts for that number of seats therein which shall exceed the number of seats provided in such old or existing church: Provided always, that nothing herein contained shall authorize the substitution of any new church in lieu of the old or existing church as aforesaid, when the advowson of or right of nomination to such new church shall belong to any other body or person than to the patron of such old or existing church, without the consents in writing of the patron and incumbent or minister of such new church.

II. That the rector, vicar, perpetual curate, or minister of such old or existing church next succeeding after such transfer, and his successors, shall be and is hereby declared to be the rector, vicar, perpetual curate, or minister, as the case may be, of such new church; and the body or person who for the time being would have had a right of presenting or appointing the incumbent or minister of such old or existing church, in case such transfer had not been made, shall in lieu thereof, when any vacancy occurs, have such and the like right of presenting or appointing the incumbent or minister of such new church as such body or person would have had with respect to the old or existing church.

And after reciting that it is expedient to remove any doubts touching the validity of any proceedings by Her Majesty's said Commissioners in cases in which, under the provisions of the hereinbefore recited Act, 3 Geo. 4. c. 72. s. 30, they have substituted a new church in lieu of the old or existing church in any parish, and have transferred the tithes, glebe, and other endowments belonging to such old or existing church to such new church;—

It is Enacted and Declared,

III. That every substitution of a new church in lieu of an old or existing church, and every transfer heretofore made of the tithes, glebe, and other endowments belonging to such old or existing church, to such new church, by the said Commissioners, purporting to be under the provisions of the hereinbefore last-mentioned Act, shall be and shall be held to be valid in law from the time of such substitution and transfer.

IV. That where any part of the cathedral church has been accustomed to be used as a parochial church, it shall be lawful for Her Majesty's said Church Building Commissioners, with consent of the Ecclesiastical Commissioners for England, and with the consents of the bishop of the diocese and of the dean and chapter of such cathedral church, and with the consents also of the patron and of the incumbent or minister of such church, to transfer the rights, emoluments, tithes, and other endowments (if any) as hereinbefore particularly specified belonging to the incumbent of such church, to any new church which has been or hereafter may be built, and which is situate in the parish where such part of such cathedral is, or is deemed to be, the parish church; and in case of such transfer the same provisions hereinbefore contained, touching the rights and privileges, succession and appointment of the incumbent or minister of such new church, and the performance of the offices therein, and the examination into the claims of parties claiming to hold pews, or seats by faculty or prescription in the old parish church, and the assignment of pews or seats to those who have substantiated such claims as hereinbefore mentioned, shall apply to such new church which after such transfer shall become the parish church in lieu of the former parish church so belonging to such cathedral; and such new church, and the incumbent or minister thereof shall, from and immediately after such transfer, be and remain subject in all respects to the same ordinary and other ecclesiastical jurisdiction and superintendence as the old parochial church and the incumbent or minister thereof respectively were or otherwise would have been subject to; and the part of the cathedral church so vacated shall thenceforth remain and be deemed to be part of the cathedral church itself, in the same manner and as fully as if it had never been used as a parochial church, and shall thenceforth be subject to the same controul and superintendence, and to the same laws as to repairs, as exist and are in force with respect to the cathedral church itself; and the parish shall thenceforth be exempt from all further liability (if any) to keep the same in repair: Provided always, that the party or parties liable to the repair of the said part of the said cathedral church, whilst it was so used as a parochial church, shall continue to be liable to the repairs of such new church.

V. That where at the passing of this Act there is not any consecrated church in one of two parishes which may have been for thirty years next before the passing of this Act united, or reputed to have been united, for ecclesiastical purposes, and where a new church has been or shall hereafter be built wholly or in part out of any funds at the disposal of Her Majesty's said Commissioners in the said parish in which there is not any such church as aforesaid, the whole of such parish may, after the consecration of such new church, be disunited for ecclesiastical purposes from the other parish, and may be formed into a separate and distinct parish for such purposes, with the same consents, in the same manner, and under and subject to the same provisions and consequences as are mentioned and contained in the hereinbefore recited Acts or any of them, or in

this Act, relative to the formation of a distinct and separate parish, where the same is formed out of one parish not united with another parish.

VI. And it is enacted, any thing in the hereinbefore recited Acts or any of them to the contrary notwithstanding, that in all cases not otherwise expressly provided for, two fit persons shall be annually appointed churchwardens for the church of every district chapelry or consolidated chapelry already or hereafter to be formed under the provisions of the hereinbefore recited Acts or any of them, or this Act, such persons residing within the district chapelry or consolidated chapelry; and the first appointment of two such persons shall, with respect to the church of any district chapelry or consolidated chapelry already formed as aforesaid, take place within two calendar months after the passing of this Act, and with respect to a chapelry district or consolidated chapelry to be hereafter formed as aforesaid, within two calendar months after the formation of the same; and the first appointment of such persons, in either of such cases, shall take place at a meeting of the minister of such church and the householders of the district, to be summoned in all respects as such minister shall direct; and every subsequent appointment shall take place at the usual period of appointing parish officers, at a meeting to be summoned in all respects as if such district were a parish and such meeting were a parish vestry meeting; and in each such case one of such persons shall be chosen by the then incumbent or minister serving such church, and the other by the householders, or the majority of such householders, residing in such district chapelry or consolidated chapelry; and the two persons, when so appointed and elected churchwardens, shall appear and be admitted according to law, and shall collect and receive the rents of the pews and seats in every such church, and pay the stipend or salary assigned by Her Majesty's said Commissioners to the minister and clerk of such church, if the said Commissioners have fixed the rents for the same, or assigned such stipend or salary, and shall also do, perform, and execute all lawful acts, matters, and things necessary for and concerning the management, good order, and decency of behaviour to be kept and observed in such church by the congregation thereof, and for the recovery of such pew rents, if in arrear; and the money given at the offertory at such church shall be disposed of by the minister and churchwardens of such church, in the same manner as the money given at the offertory at any parish church is by law directed to be disposed of by the minister and churchwardens of such parish; and the persons so to be appointed and chosen churchwardens shall continue in their said office until others shall be appointed and chosen in like manner in their stead.

VII. And it is enacted, any thing in the hereinbefore recited Acts or any of them to the contrary notwithstanding, that in all cases not otherwise expressly provided for, two fit and proper persons shall be annually appointed churchwardens for any new church (without a district) already built or hereafter to be built upon a site whereof Her Majesty's said Commissioners shall have accepted the conveyance, under the provisions of the hereinbefore recited Acts; and the first appointment of such persons shall take place within two calendar months after the passing of this Act with respect to a church already built and consecrated, and within two months after the consecration of a church to be so hereafter built; and the next appointment of such persons, in either of such cases, shall take place at the next usual period of appointing parish officers; and in each such case one of such persons shall be chosen by the minister of such church, and the other by the renters of pews therein, or by the majority thereof, at any meeting to be summoned, in all respects as the minister of such church, or (if there shall be no minister) as the churchwardens going out of office, shall direct; and the two persons, when so appointed and elected churchwardens, shall appear and be admitted according to law, and shall collect and receive the rents, if any, of the pews and seats in any such church, and pay the stipend and salary, if any, assigned by the said Commissioners to the minister and clerk of such church, and shall also do, perform, and execute all lawful acts, matters, and things necessary for and concerning the management, good order, and decency of behaviour to be kept and observed in such church by the congregation thereof, and for the recovery of the pew rents in such church, if the same are in arrear; and the persons so to be appointed and chosen churchwardens shall continue in their said office until others shall be appointed and admitted in like manner in their stead: Provided always, that if there are no rented pews in such church the minister of such church shall appoint both churchwardens: Provided also, that if such new church is made the church of a distinct and separate parish, district parish, district chapelry, or consolidated chapelry, the several provisions of the hereinbefore recited Acts, or this Act, touching the appointment and election of churchwardens for the same, and their powers and duties in each such case, shall thenceforth respectively apply to such church.

VIII. Provided and enacted, That no churchwardens appointed under the provisions of this Act shall be churchwardens for any other duties than for those hereinbefore mentioned; but all other legal duties appertaining to the office of churchwardens shall be discharged within such district chapelry or consolidated chapelry, and in respect of the church thereof, and also in respect of any such new church as aforesaid without a district, by the churchwardens who would have discharged the same if this Act had not been passed; and that no churchwardens appointed under the provisions of this Act shall in virtue of such office be deemed overseers of the poor.

And after reciting that it is expedient to explain and amend the provisions of the hereinbefore recited Act, 59 Geo. 1 c. 134, touching the formation of consolidated chapelries;—

It is Enacted,

IX. That where a population is collected together at the extremities of and locally situate in parishes or extra-parochial places contiguous to each other, at a distance from the respective churches of such respective parishes or extra-parochial places, and where there is or shall hereafter be a consecrated church in any of such parishes or extra-parochial places so circumstanced and situated as aforesaid, it shall be lawful for the said Commissioners, with the consent of the bishop of the diocese, or if such parishes or places are situate in different dioceses, then with the consents of the respective bishops thereof, signified under his or their hands and seals, and with the consents also in like manner signified of the patrons of such respective parishes or extra-parochial places, to represent to Her Majesty in Council the expediency of uniting any such contiguous parts of such parishes or parts, or the whole of such extra-parochial places, into one consolidated chapelry for such church with respect to all ecclesiastical purposes, and such representation shall contain a description of such boundaries as may appear advisable to Her Majesty's said Commissioners for such consolidated chapelry, and shall state to what corpo-

rate body, aggregate or sole, or person, their or his successors, heirs, and assigns, the right of presentation and appointment to the church of such consolidated chapelry is proposed, with such consents as aforesaid, and with the approval of the said Commissioners to belong; and if thereupon Her Majesty in Council shall think fit to order such consolidated chapelry to be so formed, such order shall be good and valid for the purpose of forming the same, and the right of presentation and nomination to the church of every such consolidated chapelry so formed shall belong to and (when occasion may require) may be exercised by such body or person, their or his successors, heirs, and assigns, as shall be mentioned in such representation, and the spiritual person so nominated and appointed, when occasion may require, shall be presented to the bishop of the diocese for his licence; (and save and except in those cases where at the time of such consolidation such church was either the church of a rectory or vicarage, and then the said church shall retain its original character,) the church of such consolidated chapelry shall be deemed a perpetual curacy, and shall be considered in law as a benefice presentative, so far only as that the licence thereto shall operate in the same manner as institution to any benefice, and shall render void other livings, in like manner as institution to any benefice, and the spiritual person serving the same shall be deemed the incumbent thereof, with exclusive cure of souls therein, and shall have perpetual succession, and shall be and is hereby declared to be a body politic and corporate, and he and his successors may receive, take, and hold such endowments in lands or tithes, or both, or any such augmentation, as shall be granted to him or them, in the same manner as any other incumbent is by law entitled to do; and every such incumbent shall be subject to all jurisdictions and laws, ecclesiastical or common, and to all provisions contained in any Acts of Parliament in force relating to such persons, and the church of every such consolidated chapelry shall be subject to the jurisdiction of the bishop within whose diocese and archdeaconry the communion table of such church shall be locally situated, and to all the laws in force concerning presentation and appointment to benefices and churches, and all other laws relating to the holding the same: Provided always, that where at the time of forming such consolidated chapelry the said church shall be full, the spiritual person filling such church shall be and remain incumbent of the said church and also of the whole consolidated chapelry.

X. That banns of marriage may be published, and marriages, christenings, churchings and burials performed, in the church of every such consolidated chapelry so formed, and, notwithstanding anything contained in the hereinbefore recited Act, 59 Geo. 3. c. 134. to the contrary thereof, the fees arising therefrom shall, unless voluntarily relinquished by them or either of them, belong to the incumbent and clerk respectively of the parishes out of which such consolidated chapelry shall have been formed, under the provisions of this Act, during their respective incumbencies, or during the time the clerk shall retain his situation; and the incumbent of such consolidated chapelry formed under this Act shall keep an account of the fees so received, and shall every year pay over the same to such incumbents and clerks respectively who would have been entitled to them if such consolidated chapelry had not been formed; and after the next avoidance of such respective incumbencies, and after the situations of such respective clerks shall have become vacant, such fees shall belong and be paid to the incumbent of such consolidated chapelry and the clerk of the church thereof.

XI. That where the church of such consolidated chapelry shall have been built wholly or in part by means of the funds placed by Parliament at the disposal of Her Majesty's said Commissioners, it shall be lawful for them, with the consent of the bishop of the diocese, to apply the provisions contained in the hereinbefore recited Acts, 58 Geo. 3. c. 45, and 59 Geo. 3. c. 134. touching the reservation of pew rents, and the assignment thereof of a stipend to the minister and a salary to the clerk, to the church of any such consolidated chapelry, and to the incumbent and clerk thereof.

XII. That it shall be lawful for Her Majesty's said Commissioners to make a grant out of the available monies in their hands for or towards the erection of new churches in aid of the erection of any new church intended to be made the church of any consolidated chapelry, although the population of the parish or extra-parochial place in which such church will be situate may not amount to four thousand persons and upwards, and although there may be church accommodation for more than one-fourth of the inhabitants of such parish or extra-parochial place, provided that the consolidated chapelry to be formed under the provisions of this Act shall contain a population of at least four thousand persons, with church accommodation herein for not more than one-fourth of the inhabitants thereof.

XIII. That in all cases the freehold of the site of every church of which Her Majesty's said Commissioners may have accepted or shall accept a conveyance under the provisions of the hereinbefore recited Acts or any of them (as to any church or yet consecrated, when the same shall be consecrated,) shall vest in the incumbent for the time being of such church; and the freehold of every burial ground of which the said Commissioners may have accepted or shall accept a conveyance under the provisions of the hereinbefore recited Acts or any of them shall, after the same shall have been consecrated, vest in the incumbent for the time being of the church to which such burial ground shall belong, or if there shall be no such incumbent, then in such body or person as the said Commissioners may, with consent of the bishop of the diocese, in such special case direct, until there shall be an incumbent, and from and after that time then in such incumbent, for the use of the inhabitants of the place for which such burial ground was acquired; and the freehold of any house, garden and appurtenances, and land or the residence and glebe of the spiritual person serving any church, of which the said Commissioners may have accepted or shall hereafter accept a conveyance, under the provisions of the hereinbefore recited Acts or any of them, shall vest in the incumbent or minister of such church for the time being; provided that nothing in this Act contained shall authorize the termination of any person under any church.

And after reciting that it is by the said hereinbefore recited Act, 59 Geo. 3. c. 134, enacted, that where the said Commissioners should make a grant in aid of purchasing cemeteries not within the bounds of the parish for which the same should be provided, such cemeteries should, after consecration, be deemed part of the parish for the use of which they should have been purchased or provided: And that it is expedient that the said Commissioners should have the power of declaring that such land as shall be approved of by them for the purpose of a new or additional burial ground or burial grounds should be deemed part of the parish or parishes for the use of which they shall have been provided, although not within the bounds of such parish or parishes, and whether any grant in aid of the purchase of such land shall have been made or not by the said Commissioners:—

*It is Enacted,*

xiv. That where any land shall have been purchased or obtained for any new or additional burial ground not within the bounds of the parish or parishes for the use of which the same shall have been so purchased or obtained, it shall be lawful for the said Commissioners, if they shall think fit, in accepting a conveyance of such land for the purposes aforesaid, under the provisions of the hereinbefore recited Acts or any of them, to declare in such conveyance, or by any other instrument under their common seal, that such land shall, after the consecration thereof for the purposes aforesaid, be and be deemed to be part of the parish or parishes for the use of which such land shall have been so purchased or obtained, and, after consecration, such land shall be part of such parish or parishes accordingly for the purposes aforesaid.

xv. That when any district parish has been or shall hereafter be formed, under the provisions of the hereinbefore recited Act, 58 Geo. 3. c. 45, it shall be lawful for the incumbent of the parish out of which such district parish shall have been formed to resign voluntarily, with the consent of the bishop of the diocese, the church of such district parish, and such resignation shall have the same effect as the avoidance or resignation of the parish church, with respect to the performance of the offices of the church in the church of such district parish; and thereupon such district parish, and the church thereof, shall be a perpetual curacy and benefice, and shall be subject to the same laws as are in force with respect to district parishes where an avoidance or resignation of the church of the original parish shall have taken place.

xvi. That, anything in the hereinbefore recited Act, 3 & 4 Vict. c. 60, to the contrary notwithstanding, it shall be lawful for Her Majesty's said Commissioners at any time to alter the boundaries of a distinct and separate parish, district parish, district chapelry, or consolidated chapelry, although five years may not have elapsed since the description of such boundaries has been enrolled in the High Court of Chancery, or registered in the registry of the diocese; provided that such alteration of boundaries shall be subject to the same provisions, except as herein excepted, as are contained relative thereto in the hereinbefore recited Acts.

xvii. And it is enacted, anything in the hereinbefore recited Acts or any of them to the contrary notwithstanding, that the church of any district chapelry formed or to be hereafter formed under the provisions thereof, although such church may not have been augmented by the Governors of the Bounty of Queen Anne, and also any church now or hereafter to be augmented by any order of Her Majesty in Council ratifying any scheme of the Ecclesiastical Commissioners for England, and with a district chapelry assigned thereto, shall be and is hereby declared to be a perpetual curacy and benefice, and the licence thereto shall operate in the same manner as institution to any benefice, and the minister duly nominated and licensed thereto, and his successors, shall not be a stipendiary curate, but shall be and be esteemed in law to be a perpetual curate, and body politic and corporate, with perpetual succession, and he and his successors may receive, take, and hold to himself and themselves all such lands, tithes, and rent-charges as shall be granted unto or purchased for him or them by the said Ecclesiastical Commissioners for England, or otherwise, in the same manner as any other incumbent is by law entitled to do; and such perpetual curate shall thenceforth have, within and over the district chapelry so assigned, sole and exclusive cure of souls, and shall not be in anywise subject to the controul or interference of the rector, vicar, or minister of the parish or place from which such district chapelry shall have been taken, any law or statute to the contrary notwithstanding, save and except as to any Easter dues and offerings which would not belong to the perpetual curate of such district chapelry if this Act had not been passed, and save and except also as to the fees, if any, reserved to the said incumbent on the assignment of such district chapelry, which shall still continue to belong to and shall be paid over to him by the perpetual curate of such district chapelry according to such reservation: Provided always, that nothing herein contained shall alter or affect the right of nomination or appointment belonging or hereafter to belong to any corporate body or person in respect to the church of any such district chapelry.

xviii. That the licence of the minister appointed to serve a new church (without a district) already or to be hereafter built, wholly or in part, by means of any monies at the disposal of Her Majesty's said Commissioners, under the provisions of the hereinbefore recited Acts or any of them, shall not be rendered void by reason of the avoidance of the parish church of the parish in which such new church is situate, unless such licence shall be revoked by the archbishop or bishop who may have granted the same, or by the successor of such archbishop or bishop.

xix. That, anything in the hereinbefore recited Acts or any of them to the contrary notwithstanding, it shall not be necessary to pay into the Bank of England any sums of money to be paid for any lands or hereditaments to be purchased or acquired by virtue of such Acts or any of them, although the same may amount to or exceed 200*l.* (unless Her Majesty's said Commissioners shall require such sums to be paid into such bank), but the same may be invested in the names of trustees, as in the said Act is provided in the cases when the amount thereof shall be under the sum of 200*l.*; and in any declaration of trust to be made of any such monies the said Commissioners may make such special provisions for the investment of such monies, and the appointment of new trustees thereof, or otherwise, as they shall think fit.

xx. That in every case in which land or other hereditaments belonging to an incumbent in right of his church shall be sold and conveyed by him to Her Majesty's said Commissioners, and in which the purchase money is, under the provisions of the hereinbefore recited Act, 58 Geo. 3. c. 45, directed to be paid into the Bank of England, or invested in the names of trustees, such purchase-money shall, instead of being paid into the Bank of England, or invested in the names of trustees, be paid to the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy, and be appropriated by the said Governors to the benefice to which the land or other hereditaments so sold shall have belonged, and shall be applicable and disposable by the said Governors to and for the benefit and augmentation of such benefice, in such and the same manner, and with such and the same powers of investment in the purchase of land, and exchange for other land and hereditaments, and otherwise, and with other powers and authorities, in all respects, according to the rules, orders and constitutions for the time being in force for the management of the Bounty of Queen Anne, as if the money so appropriated had been originally provided or appropriated by the said Governors, out of the funds at their disposal, for the benefit and augmentation of the same benefice.

XXI. That in all cases in which money shall be payable to the Governors of the Bounty of Queen Anne under the provisions last hereinbefore contained, such money shall be paid to the treasurer for the time being of the said Governors, and the receipt or receipts of such treasurer shall be an effectual discharge or effectual discharges for so much money as in such receipt or receipts shall be expressed, to the person or persons paying the same; and after obtaining such receipt or receipts the person or persons paying such money shall be absolutely discharged from all liability touching such money, and from all trusts relating thereto.

XXII. That where Her Majesty's said Commissioners shall have already formed or shall hereafter form any distinct and separate parish, district parish, or district chapelry, under the provisions of the hereinbefore recited Acts or any of them, or this Act, out of any parish or extra-parochial place, it shall be lawful for the Court of Chancery, anything in the hereinbefore recited Acts to the contrary notwithstanding, on a petition being presented to the said Court by any two persons resident in any such parish or extra-parochial place, (such petition to be presented, heard and determined according to the provisions of an Act, 52 Geo. 3. c. 101, intituled 'An Act to provide a summary Remedy in Cases of Abuses of Trusts created for Charitable Purposes,') to apportion between the remaining part of such parish or place and the distinct and separate parish, or district parish, or district chapelry, any charitable devises, bequests, or gifts which shall have been made or given to or for the use of any such parish or extra-parochial place, or the produce thereof, and in any such case to direct that the distribution of the proportions of such devises, bequests, or gifts, or the produce thereof, as shall be so apportioned, shall be made and distributed by the incumbent or spiritual person serving the church, or by the churchwardens of any such distinct and separate parish, district parish, or district chapelry, either jointly or severally, as the said Court of Chancery may think expedient; and it shall also be lawful for the said Court of Chancery to apportion between the remaining part of such parish or place as aforesaid, and such separate divisions or districts, any debts or charges which may have been before the period of such apportionment contracted or charged upon the credit of any church rates in such parish or place; and all such apportionments shall be registered in the registry of the diocese in which such parish or place shall be locally situate, and duplicates thereof shall be deposited with the churchwardens of such parish or place, and of each such division or district as aforesaid, and in all such cases the costs shall be at the discretion of the said Court; and such apportioned debts or charges shall be raised and paid by the parish or place in which they may be apportioned in such and the like manner as the entirety was to be raised and paid, or in such manner and under such provisions and conditions as the said Court shall direct, and when any securities may have been given for the same the Court may order new securities to be given for the apportioned debts by such persons and bodies, and in all respects as the said Court may direct, and all securities shall be valid and binding; and the powers and authorities given to the said Commissioners by the hereinbefore recited Act, 3 Geo. 4. c. 72, with respect to the apportionment by them of such devises, bequests, gifts and charges, shall, after the passing of this Act, with respect to the future exercise of such powers and authorities, cease and determine.

XXIII. That if before or during the building of any new church, or previous to its consecration, the bishop of the diocese and the patron and incumbent of the parish in which such new church has been or is intended to be built shall enter into an agreement in writing that the right of nomination to such new church shall on its consecration belong to and be exercised by any body corporate, aggregate or sole, or by any person or persons, such agreement shall be binding on such respective parties, their successors, heirs and assigns, and they shall be compellable to fulfil the same.

XXIV. That no future conveyance to be made to the said Commissioners in pursuance of the hereinbefore recited Acts of any of them, or any other future instrument thereby directed to be made with their privity or assent, shall be valid and effectual unless and until the assent thereto of the said Commissioners shall be testified by any seal in use by them being affixed thereto; but after such seal shall have been affixed to such instrument, such instrument shall take effect as from the making thereof; and no future instrument to which such seal is as aforesaid so directed to be affixed, and which is directed to be registered in the registry of any diocese, shall be so registered unless and until such seal shall have been so affixed.

XXV. That the existing powers, privileges, and authorities contained in the hereinbefore first recited Acts or any of them may be used and applied for the purpose of carrying this Act or the said Acts respectively into execution, *mutatis mutandis*, so far as the same are applicable thereto, and are not inconsistent with or repugnant to the provisions of this Act.

## CAP. LXXI.

AN ACT to extend certain Provisions in the Act for consolidating and amending the Laws relating to Highways in England.

(31st July 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Extending provisions of recited Act.*
2. *Recited Act and this Act to be as one.*
3. *Alterations of Act.*

By this Act,

After reciting that by 5 & 6 Will. 4. c. 50, after reciting that under Acts of Parliament theretofore made, and which might hereafter be made, for the enclosing of waste land, parcels of land had been and might be expressly allotted to parishes, or to

the surveyor of the highways, for the purpose of obtaining materials for the repair of the highways in such parish, and the materials in such parcels of land had been and might be exhausted, it was enacted, that in such cases it should and might be lawful for the surveyor of such parish for the time being, by and with the consent of the vestry, and he was thereby authorized and required, with the consent in writing of the Justices of the Peace at a special sessions for the highways, to sell and convey to some person whose lands adjoin thereto, or, if he should refuse to purchase, to any other person, the said parcels of land from which the said materials had been so exhausted as aforesaid, at and for such price as the said Justices might deem fair and reasonable, and with the money arising therefrom, and with such consent as aforesaid, to purchase other lands in lieu thereof: and that it is desirable to extend the provisions hereinbefore recited to other cases than those mentioned in the said Act:—

It is Enacted,

1. That from and after the passing of this Act, the recited Act, and all the provisions therein contained, shall apply and extend not only to the lands in the said Act specified, but to all lands belonging or which hereafter may belong to parishes, or to the surveyor of the highways, for the purposes aforesaid, which have been or hereafter shall be lawfully used for the purpose of obtaining materials for the repair of the highways in such parish, the materials in which lands have been or hereafter may be exhausted.

11. That the said Act and this Act shall be construed together as one Act.

111. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

## CAP. LXXII.

AN ACT to render it unnecessary to keep up *Rothwell Gaol*, in the Honor of *Pontefract*, in the West Riding of the County of *York*.

(31st July 1845.)

### ABSTRACT OF THE ENACTMENTS.

1. *On and after the 1st of February 1846 no person to be committed to Rothwell Gaol.*
2. *Prisoners from courts at Westminster to be removed to York Castle, by warrant of the Lord Chief Justice of the Queen's Bench.*
3. *Not necessary to keep up Rothwell Gaol.*
4. *Sheriff of York may enter the liberty of Pontefract to execute against the person.*
5. *All commitments within the said honor may be made to York Castle, and keeper thereof to receive such persons into custody.*
6. *Provisions of 2 & 3 Vict. c. 85, to extend to commitments from Court Baron under this Act.*
7. *Act not to affect rights of Her Majesty in respect of the honor.*
8. *Act not to affect 2 & 3 Vict. c. 85, except as expressly mentioned.*
9. *Alteration of Act.*
10. *Public Act.*

By this Act,

After reciting that the Queen's most Excellent Majesty, in right of her Duchy of Lancaster, is seised of the honor of Pontefract, in the West Riding of the county of York, and there now is within the said honor a certain common gaol or prison known by the name of "*Rothwell Gaol*," and the recent alterations in the law relating to the imprisonment of debtors having caused the number of prisoners ordinarily confined in the said gaol to be very small, it has become expedient that after the period hereinafter mentioned no person or persons should be committed into custody to such gaol, and that persons committed into custody from the Court Baron of the said honor should be committed to and imprisoned in the county gaol or prison at York known by the name of "*York Castle*:" and that doubts have been entertained whether commitments from the said Court Baron may lawfully be made to York Castle; and it is expedient that such doubts should be removed:—

It is Enacted,

1. That on, from, and after the 1st of February which will be in the year 1846 no person or persons shall be committed or ordered to stand committed into custody by or from any of Her Majesty's courts at Westminster, or the said Court Baron, or any other court whatsoever, or by or under any writ, warrant, precept of execution, or process whatsoever, to *Rothwell Gaol* nor shall any person or persons (except as hereinafter is excepted) be imprisoned therein, but the said gaol (except so far as relates to any person or persons then in custody therein) shall cease to be and to be used as a gaol or prison.

11. That if on the said 1st of February there shall be, besides such prisoner or prisoners, if any, as shall then be in the custody of the keeper of *Rothwell Gaol* under any process of the said Court Baron, any prisoner or prisoners in the custody of the keeper of *Rothwell Gaol* by or under any writ, warrant, precept, or process whatever, the said keeper shall, within one week from the said 1st of February, certify under his hand to the Lord Chief Justice of the Court of Queen's Bench a true list containing the name or names of such prisoner or prisoners as last mentioned, with the cause and time of his or

their commitment respectively; and as soon thereafter as may be the said Lord Chief Justice shall issue his warrant or warrants under his hand, directed to the keeper of Rothwell Gaol, requiring him to convey to York Castle, and to deliver into the custody of the keeper of York Castle there, the said person or persons so as last aforesaid in his custody, or such of them as shall be named in any such warrant; and upon the receipt of any such warrant the keeper of Rothwell Gaol shall, and he is hereby authorized and empowered so to do (unless the person or persons named in such warrant shall before the receipt of the same have been lawfully discharged out of his custody), forthwith convey the said person or persons to York Castle, and there deliver him or them into the custody of the keeper of York Castle, together with the warrant or warrants of his or their commitment respectively; and the removal of any such prisoner or prisoners in obedience to the warrant of the Lord Chief Justice as aforesaid shall not be construed to be an escape; and the keeper of York Castle shall receive the said person or persons from the keeper of Rothwell Gaol, together with such warrant or warrants, and shall detain such person or persons in his custody in obedience to such warrant or warrants.

III. And it is declared and enacted, That on, from, and after the said 1st of February (if on the said day there shall be no prisoner in the custody of the keeper of Rothwell Gaol, or if there shall then be any prisoner or prisoners in the custody of the keeper of Rothwell Gaol, so soon as there shall cease to be any such prisoner or prisoners in such custody, by removal in obedience to the warrant of the Lord Chief Justice, or lawful discharge of such prisoner or prisoners, as the case may be respectively) it shall not be necessary to repair, maintain, or keep up Rothwell Gaol, or to maintain or keep up the office or offices of keeper or gaoler thereof, or any other office of or in respect of the said gaol; and the liability (if any) of the Queen's most Excellent Majesty, her heirs, successors, or assigns, to repair, maintain, or keep up the same respectively, or to repair, maintain, or keep up any gaol or prison whatever within the honor of Pontefract, or in respect of Her Majesty, her heirs, successors, or assigns, being seised of the said honor, shall absolutely cease and determine.

IV. That on, from, and after the said 1st of February the sheriff for the time being of the said county of York shall, and he is hereby authorized and empowered so to do, execute or cause to be executed within the liberty and franchise of the said honor of Pontefract all writs of *capias*, or *capias ad satisfaciendum*, and all other writs, precepts, or process whatsoever against the person, to the said sheriff directed or sent (whether such writs, precepts, or process shall or shall not contain a *non omittas* clause), in the same manner, and to the same extent, and by and under the same powers and liabilities, for all purposes whatsoever, as if the liberty and franchise of the said honor were not an ancient liberty or franchise having execution or return of writs; and the liability (if any) of the bailiff for the time being of the said liberty, as bailiff of the said liberty, to execute or return any such writ, precept, or process under or by virtue of any mandate or warrant to him made, sent, or directed by the said sheriff shall absolutely cease and determine.

V. And it is declared and enacted, That on, from, and after the said 1st of February, in every case in which it shall be lawful to commit any person or persons, or to order any person or persons to stand committed, into custody by or from the said Court Baron, or by or under any precept of execution, warrant, or process whatsoever of or from the same, it shall be lawful to commit any such person or persons into custody to, or to order any such person or persons to stand committed into custody to, and to imprison any such person or persons in, York Castle; and the keeper for the time being of York Castle shall be and is hereby required to receive and take into custody all persons who shall be committed or ordered to stand committed to York Castle by or from the said Court Baron under or by virtue of this Act.

VI. That every clause, matter, and thing contained in an Act, 2 & 3 Vict. c. 85, intituled, 'An Act for the more easy and speedy Recovery of Small Debts and Damages within the Honor of Pontefract, Parcel of Her Majesty's Duchy of Lancaster, in the West Riding of the County of York, and for altering the Practice and extending the Jurisdiction of the Court Baron of the said Honor,' shall, so far as the same may be applicable thereto, be construed to extend to any case in which any person shall be committed or ordered to stand committed into custody by or from the said Court Baron under or by virtue of this Act, in the same manner and to the same extent as if the provisions of the said Act, 2 & 3 Vict. c. 85, had been herein expressly contained and re-enacted.

VII. Provided and expressly declared and enacted, That nothing in this Act contained shall be construed to restrain, diminish, or in any way affect (except so far as herein is expressly mentioned) any franchise, liberty, right, power, privilege, or authority before or at the time of the passing of this Act held, possessed, or enjoyed by the Queen's most Excellent Majesty or her predecessors, or by any of her bailiffs or other officers, over, in, or in respect of the said honor of Pontefract.

VIII. Provided and enacted, That nothing in this Act contained shall be construed to repeal, alter, or in any way affect except so far as herein is expressly mentioned) the said Act, 2 & 3 Vict. c. 85, or any power given in the said Act of committing from the said Court Baron to any common gaol other than Rothwell Gaol, or in any way to affect the validity of the commitment, custody, or imprisonment of any person or persons committed to or in custody in Rothwell Gaol before the said 1st of February which will be in the year 1846.

IX. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

X. That this Act shall be and be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges and others.



## CAP. LXXIII.

AN ACT to enable the Commissioners of Her Majesty's Woods and Works to apply certain Monies now in their Hands towards discharging the Incumbrances affecting the *Shrewsbury* and *Holyhead* Road.

(31st July 1845.)

## CAP. LXXIV.

AN ACT to amend an Act of the Seventh Year of King *William* the Fourth, for preventing the advertising of Foreign and other illegal Lotteries, and to discontinue certain Actions commenced under the Provisions of the said Act.

(31st July 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Persons sued before the passing of this Act for penalties incurred under the recited Act may apply to the Court or a Judge to stay proceedings on certain conditions.*
2. *Not to extend to actions in which judgment has been obtained, &c.*
3. *Penalties incurred under said Act to go wholly to Her Majesty.*
4. *Fines, &c. may be sued for in the name of the Attorney or Solicitor General in England or Ireland, or Her Majesty's Advocate for Scotland, &c.*
5. *Alteration of Act.*

By this Act,

After reciting that by 6 & 7 Will. 4. c. 66. it is enacted, that if any person shall print or publish, or cause to be printed or published, any advertisement or other notice of or relating to the drawing or intended drawing of any foreign lottery, or of any lottery or lotteries not authorized by some Act or Acts of Parliament, or if any person shall print or publish, or cause to be printed or published, any advertisement or other notice of or for the sale of any ticket or tickets, chance or chances, or of any share or shares of any ticket or tickets, chance or chances, of or in any such lottery or lotteries as aforesaid, or any advertisement or notice concerning or in any manner relating to any such lottery or lotteries, or any ticket, chance, or share, tickets, chances, or shares, thereof or therein, every person so offending shall for every such offence forfeit the sum of 50*l.* to be recovered, with full costs of suit, by action of debt, bill, plaint, or information in any of His Majesty's courts of record in Westminster or Dublin respectively, or in the Court of Session in Scotland, one moiety thereof to the use of His Majesty his heirs and successors, and the other moiety thereof to the use of the person who shall inform or sue for the same: And that the printers, publishers and proprietors of divers newspapers have inadvertently printed and published some advertisements or notices of or relating to the matters in the said Act mentioned, or some of them, and many actions, suits, informations and prosecutions have been brought and commenced against such printers, publishers, and proprietors, or some of them, by persons who sue, inform, and prosecute, as well on their own behalf as on behalf of Her Majesty, to recover various penalties incurred or alleged to have been incurred under the provisions of the said Act; and it is expedient that all further proceeding in such actions, suits, informations, and prosecutions should be prevented, and such other provision made in relation thereto and otherwise as is hereinafter mentioned:—

It is Enacted,

I. That immediately from and after the passing of this Act it shall be lawful for any person or persons against whom any original writ, suit, action, bill, plaint, or information shall have been sued out, commenced, or prosecuted, on or before the day of the passing of this Act, for the recovery of any pecuniary penalty or penalties incurred under the said Act, except in the cases hereinafter provided, to apply to the Court in which such original writ, suit, action, bill, plaint, or information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or, if such Court shall not be sitting, to any Judge of either of the superior courts at Westminster or Dublin respectively, or to any Judge of the Court of Session in Scotland, (as the case may have arisen in England, Ireland, or Scotland respectively,) for an order that such writ, suit, action, bill, plaint, or information shall be discontinued, upon payment of the costs incurred to the time of such application being made, such costs to be taxed according to the practice of such courts respectively; and every such Court aforesaid is hereby authorized and required, upon such application, and proof that sufficient notice has been given to the plaintiff or plaintiff or to his or their attorney, of the application, to make such order as aforesaid; and upon the making of such order, no payment or tender of such costs as aforesaid, such writ, suit, action, bill, plaint, or information shall be forthwith discontinued.

II. Provided and enacted, That nothing herein contained shall extend or be construed to extend to any action, suit, bill, plaint, or information in which any judgment or conviction shall have passed on or before the day of the passing of this Act or to any action, suit, bill, plaint, or information which shall have been or shall be commenced, prosecuted, entered, or taken

by or in the name of Her Majesty's Attorney General or Solicitor General in that part of Great Britain called England, or Her Majesty's Attorney or Solicitor General for Ireland, or Her Majesty's Advocate for Scotland, for or on behalf of Her said Majesty.

III. That from and after the passing of this Act all fines, penalties, and forfeitures imposed by or incurred or which may be incurred under the said recited Act shall go and be applied to the use of Her Majesty, her heirs and successors.

IV. Provided and enacted, That from and after the passing of this Act every such fine, penalty, or forfeiture may be sued or prosecuted for, in the name of Her Majesty's Attorney General or Solicitor General in England or Ireland, or of Her Majesty's Advocate General or Solicitor General in Scotland, or of the Solicitor of Stamps and Taxes in England or Scotland, or of the Solicitor of Stamps in Ireland, or of any person to be authorized to sue or prosecute for the same by writing under the hands of the Commissioners of Stamps and Taxes, or in the name of any officer of stamp duties, by action of debt, bill, plaint, or information in the Court of Exchequer at Westminster in respect of any fine, penalty, or forfeiture incurred in England, and in the Court of Exchequer in Dublin in respect of any fine, penalty, or forfeiture incurred in Ireland, and in the Court of Exchequer in Scotland in respect of any fine, penalty, or forfeiture incurred in Scotland; and, except as is hereinbefore provided, it shall not be lawful for any person other than as aforesaid to inform, sue, or prosecute for any such fine, penalty, or forfeiture as aforesaid: Provided always, that in no such proceeding as aforesaid shall any essoign, protection, wager at law, nor more than one imparlance, be allowed.

v. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

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CAP. LXXV.

AN ACT to amend an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law respecting defamatory Words and Libel*.

(31st July 1845.)

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ABSTRACT OF THE ENACTMENTS.

1. In cases of action for libel in Ireland, where defendant shall plead matters allowed by 3 & 4 Will. 4. c. 42, and pay money into court, such payment to be of same effect as if required by said Act.
2. Defendant not to file such plea without paying money into court by way of amends.

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By this Act,

After reciting that by 6 & 7 Vict. c. 96, it is, amongst other things, enacted and provided, that the defendant in an action for a libel contained in any public newspaper or other periodical publication may plead certain matters therein mentioned, and may upon filing such plea be at liberty to pay into court a sum of money by way of amends for the injury sustained by the publication of such libel; and it is thereby further enacted, that such payment into court shall be of the same effect, and be available in the same manner and to the same extent, and be subject to the same rules and regulations as to payment of costs and the form of pleading, except so far as regards the pleading of the additional facts thereinbefore required to be pleaded by each defendant, as if actions for libel had not been excepted from the personal actions in which it is lawful to pay money into court, under 3 & 4 Will. 4. c. 42: And that the said Act, 3 & 4 Will. 4. c. 42, relates only to proceedings in the superior courts in England, but by an Act, 3 & 4 Vict. c. 105, a like provision is made for payment of money into court in all personal actions pending in any of the superior courts in Ireland as is contained in the said Act, 3 & 4 Will. 4. c. 42, in regard to actions pending in the superior courts in England, with a like exception of actions for libel; and it is expedient to prevent any doubts as to the application of the said recited Act, 6 & 7 Vict. c. 96, to actions pending in the superior courts in Ireland, which may be created by reason of the omission of a reference in the last-mentioned Act to the said Act, 3 & 4 Vict. c. 105:—

It is Enacted and Declared,

- I. That when in any action pending in the superior courts in Ireland for a libel contained in any public newspaper or other periodical publication the defendant shall plead the matters allowed to be pleaded by the said first-mentioned Act, and shall upon filing such plea pay money into court as provided by such Act, such payment into court shall be of the same effect, and be available in the same manner and to the same extent, and be subject to the same rules and regulations now in force or hereafter to be made as to payment of costs and the form of pleading, except so far as regards the pleading of the additional facts so required to be pleaded by such defendant, as if actions for libel had not been excepted from the personal actions in which it is lawful to pay money into court under the said recited Act, 3 & 4 Vict. c. 105.
- II. And it is declared and enacted, That it shall not be competent to any defendant in such action, whether in England or Ireland, to file any such plea, without at the same time making a payment of money into court by way of amends as provided by said Act, but every such plea so filed without payment of money into court shall be deemed a nullity, and may be treated as such by the plaintiff in the action.

## CAP. LXXVI.

AN ACT to increase the Stamp Duty on Licences to Appraisers: to reduce the Stamp Duties on Registry Searches in *Ireland*; to amend the Law relating to the Duties on Legacies; and also to amend an Act of the last Session of Parliament, for regulating the Issue of Bank Notes in *England*.

(4th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Stamp duty on appraisers licences repealed, and an increased duty thereon granted in lieu.*
2. *Stamp duties payable in Ireland on registry searches repealed, and reduced duties granted in lieu thereof.*
3. *Powers and provisions of former Acts to be applied to the duties granted by this Act.*
4. *Certain gifts by will or testamentary instrument to be deemed legacies.—Proviso.*
5. *Provision for recovery and application of penalties under 7 & 8 Vict. c. 32.*
6. *Alteration of Act.*

## By this Act,

After reciting that under and by virtue of 55 Geo. 3. c. 184, certain stamp duties specified and contained in a schedule to the said Act annexed were granted and made payable in Great Britain, and (amongst others) the duty of 10s. for and in respect of a licence to use and exercise the calling or occupation of an appraiser, to be taken out yearly by every person who shall exercise the said calling or occupation, or make any appraisement or valuation charged by the said Act with a duty, for or in expectation of any gain, fee, or reward, except licensed auctioneers: And that under and by virtue of 5 & 6 Vict. c. 82, the stamp duties granted and then payable in England under or by virtue of the said first-recited Act were extended to and made payable in Ireland for a term limited by the said last-recited Act, in lieu of certain stamp duties thereby repealed, and the same duties have been granted and continued and are now payable in Ireland for a further term, under and by virtue of 8 & 9 Vict. c. 2: And that it is expedient to increase the duty in respect of licences to be taken out by appraisers in Great Britain and Ireland respectively:—

## It is Enacted,

I. That from and after the passing of this Act the said duty now payable in Great Britain and Ireland respectively under or by virtue of the said several recited Acts or any of them, for or in respect of a licence to use and exercise the calling or occupation of an appraiser, shall cease and determine, and the same is hereby repealed; and that in lieu thereof there shall be granted, raised, levied, collected, and paid in Great Britain and Ireland respectively, unto and for the use of Her Majesty, her heirs and successors, the duty of 2*l*.

For and in respect of a licence to use and exercise the calling or occupation of an appraiser, to be taken out yearly by every person (except a licensed auctioneer) who shall exercise the said calling or occupation of an appraiser, or who, for or in expectation of any gain, fee, or reward, shall make any appraisement or valuation chargeable by law with any stamp duty.

And after reciting that under and by virtue of the said several recited Acts certain duties have been granted and are now payable in Ireland in respect of searches in the office for the registry of deeds, and it is expedient to repeal the same, and to grant other and reduced duties in lieu thereof:—

## It is Enacted,

II. That from and after the passing of this Act the several and respective stamp duties now payable in Ireland under or by virtue of the said several recited Acts or either of them, in respect of searches in the office for the registry of deeds, (that is to say,) for or in respect of "any copy or extract of any memorial, or of the registry of any memorial, registered pursuant to any Act of Parliament made for the public registering of deeds and conveyances," or for or in respect of "every piece of vellum, parchment, or paper upon which any such copy or extract shall be written after the first," shall cease and determine in Ireland, save and except such of the said duties or so much or such part or parts thereof as have become due and payable and now remain in arrear and unpaid; and that in lieu of the said duties so hereby repealed as last mentioned there shall be granted, raised, levied, collected, and paid in Ireland, unto and for the use of Her Majesty, her heirs and successors, the several duties next hereinafter mentioned; (that is to say,)

For and in respect of extracts or abstracts from deeds or other acts issued from the office for registry of deeds and set forth, called the Registry Office, and commonly called a common search, and whether such search shall contain the extracts from any deeds or deed or not, and whether the same be signed by or on behalf of any officer or clerk belonging to such office or not;

For each sheet or piece of paper on which such search, extract or extracts, abstract or abstracts, shall be written, the sum of 3*s*.:

And for and in respect of searches for deeds, or abstracts or extracts from deeds, or other acts, issued from the office for registering deeds, called the Register Office, commonly called a negative search;

For each copy of any deed or memorial, or for each extract or abstract from any deed or memorial, which such negative search shall give or contain, the sum of 3*s*.

And on the officer's certificate on such search, over and above all other duties, the sum of 10*s*.

III. That the said several duties by this Act granted shall be denominated and deemed to be stamp duties, and shall be under the care and management of the Commissioners of Stamps and Taxes for the time being; and that all the powers, pro-

visions, clauses, regulations, and directions, fines, forfeitures, pains, and penalties, contained in or imposed by the several former Acts of Parliament relating to any prior duties of the same kind or description in Great Britain and Ireland respectively, and in force at the time of the passing of this Act, shall respectively be of full force and effect with respect to the duties by this Act granted, and to the vellum, parchment, and paper, articles, matters, and things, charged and chargeable therewith, and to the persons liable to the payment of the said duties, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the said duties hereby granted, and otherwise in relation thereto, as fully and effectually, to all intents and purposes, as if the same had been herein repeated and specially enacted with reference to the said duties by this Act granted.

And after reciting that under or by virtue of the said several recited Acts certain duties have been granted and are now payable in Great Britain and Ireland respectively upon legacies, and doubts have been entertained whether certain gifts by will or testamentary instrument are legacies liable to the said duties, and it is expedient to remove such doubts:—

It is Enacted,

iv. That from and after the passing of this Act every gift by any will or testamentary instrument of any person, which by virtue of any such will or testamentary instrument is or shall be payable, or shall have effect or be satisfied out of the personal or moveable estate or effects of such person, or out of any personal or moveable estate or effects which such person hath had or shall have had power to dispose of, or which gift is or shall be payable or shall have effect or be satisfied out of or is or shall be charged or rendered a burden upon the real or heritable estate of such person, or any real or heritable estate, or the rents or profits thereof, which such person hath had or shall have had any right or power to charge, burden, or affect with the payment of money, or out of or upon any monies to arise by the sale, burden, mortgage, or other disposition of any such real or heritable estate, or any part thereof, whether such gift shall be by way of annuity or in any other form, and also every gift which shall have effect as a donation *mortis causa*, shall be deemed a legacy within the true intent and meaning of all the several Acts granting or relating to duties on legacies in Great Britain and Ireland respectively, and shall be subject and liable to the said duties accordingly: Provided always, that no sum of money which by any marriage settlement is or shall be subjected to any limited power of appointment to or for the benefit of any person or persons therein specially named or described as the object or objects of such power, or to or for the benefit of the issue of any such person or persons, shall be liable to the said duties on legacies under the will in which such sum is or shall be appointed or apportioned in exercise of such limited power.

And after reciting the passing of 7 & 8 Vict. c. 32, and that certain penalties are thereby imposed for offences against the provisions of the same Act, and it is expedient to provide for the recovery and application of such penalties;—

It is Enacted,

v. That from and after the passing of this Act all pecuniary penalties imposed by or incurred under the said last-recited Act may be sued or prosecuted for and recovered, for the use of Her Majesty in the name of Her Majesty's Attorney General or Solicitor General, or of any person authorized to sue or prosecute for the same, by writing under the hands of the Commissioners of Stamps and Taxes, or in the name of any officer of stamp duties, by action of debt, bill, plaint, or information in the Court of Exchequer at Westminster, in such and the same manner as any penalties imposed by any of the laws now in force relating to the duties under the management of the said Commissioners; and it shall be lawful in all cases for the said Commissioners, either before or after any proceedings commenced for recovery of any such penalty, to mitigate or compound any such penalty as they shall think fit, and to stay any such proceedings after the same shall have been commenced, and whether judgment may have been obtained for such penalty or not, on payment of part only of any such penalty, with or without costs, or on payment only of the costs incurred in such proceedings, or of any part thereof, or on such other terms as such Commissioners shall judge reasonable: Provided always, that in no such proceeding as aforesaid shall any essoign, protection, wager of law, or more than one imparlance, be allowed; and all pecuniary penalties imposed by or incurred under the said last-recited Act, by whom or in whose name soever the same shall be sued or prosecuted for or recovered, shall go and be applied to the use of Her Majesty, and shall be deemed to be and shall be accounted for as part of Her Majesty's revenue arising from stamp duties, anything in any Act contained, or any law or usage, to the contrary in anywise notwithstanding: Provided always, that it shall be lawful for the said Commissioners, at their discretion, to give all or any part of such penalties as rewards to any person or persons who shall have detected the offenders, or given information which may have led to their prosecution and conviction.

vi. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

### CAP. LXXVII.

AN ACT to make further Regulations respecting the Tickets of Work to be delivered to Persons employed in the Manufacture of Hosiery, in certain Cases.

(4th August 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. *Manufacturer to deliver with materials a ticket of work.*
2. *Ticket to be evidence.*
3. *When dispute arises as to imperfect execution of work to be produced.*
4. *Penalty on manufacturer for non-delivery of ticket.*
5. *Power of summoning witnesses.*

6. *Service of summons.*
7. *Levy and application of penalty.*
8. *No certiorari allowed, nor distress unlawful for want of form.*
9. *Interpretation of Act.*
10. *Alteration of Act.*

By this Act,

After reciting that by 5 Geo. 4. c. 96, it was enacted, amongst other things, that "with every piece of work given out by the manufacturer to a workman to be done there shall (if both parties are agreed) be delivered a note or ticket in such form as the said parties shall mutually agree upon:" And that it is expedient that, so far as relates to persons employed in the woollen, worsted, linen, cotton, and silk hosiery manufactures, such further provision should be made for delivery to them of a note or ticket of work as hereinafter is expressed:—

It is Enacted,

I. That from and after the 1st of January 1846, when any manufacturer of hosiery, or the agent of any such manufacturer, gives out to a workman the materials to be wrought, such manufacturer or agent shall at the same time deliver to such workman a printed or written ticket, signed by such manufacturer, containing the particulars of the agreement between such manufacturer and such workman, as in the Schedule to this Act annexed; and such manufacturer or agent delivering such ticket shall make or cause to be made, and shall preserve until the work contracted to be done shall have been completed or paid for, a duplicate of such note or ticket.

II. That in the event of any dispute between the manufacturer or his agent and the workman, such ticket, and the said duplicate thereof, shall be required to be produced, and shall, together or either of them, be evidence of all things mentioned therein or respecting the same.

III. Provided and enacted, That where the subject of dispute relates to the alleged improper or imperfect execution of any work delivered to a manufacturer or his agent, such piece of work shall be produced in order to adjudication, or if not produced shall be deemed and taken to have been sufficiently and properly executed.

IV. That if any manufacturer or agent shall neglect or refuse to deliver such ticket to such workman as aforesaid with the materials so given out, and if such workman shall complain thereof to any Justice of the Peace having jurisdiction in the place where the materials shall have been delivered out or where the workman shall reside, such Justice may summon such manufacturer or agent to attend before two Justices at a time or place appointed for hearing the complaint, and set forth in the summons; and if the person to whom such summons so directed appears according to the tenour thereof, or if he does not appear, and the due service of the summons is proved, the said Justices may proceed to hear and determine the complaint; and if such neglect or refusal as aforesaid be proved, either by the confession of the party complained against, or by the oath of the complainant or of any other credible witness or witnesses, such Justices may convict such offender, and may upon such conviction adjudge him to pay such penalty not exceeding 5*l*., together with the costs attending the conviction, as such Justices shall think fit, and the party so adjudged to pay such penalty and costs shall pay the same accordingly: Provided always, that in all convictions of adjudications under this Act one at least of the convicting or adjudicating Justices shall be a person not engaged in any manufacture, trade, occupation, or employment to which this Act extends, and shall not be the father, son, or brother of any such person.

V. That if any of the parties to the said complaint shall make oath before any Justice having cognizance of such complaint that he or she believes that the attendance of any person as a witness will be material to the hearing of such complaint, such Justice may summon such person, having been paid or tendered a reasonable sum for his expenses, to appear and give evidence on oath at a time and place set forth in the said summons; and if any person so summoned shall not appear at the time and place set forth in the said summons, and shall not make excuse for the default to the satisfaction of the Justices there present, and if the due service of the summons be proved, or if such person appearing according to the summons shall not submit to be examined as a witness, then such Justices may adjudge such person so making default in appearing or refusing to give evidence to pay such penalty not exceeding 2*l*. as such Justices shall think fit, and the party so adjudged to pay such penalty shall pay the same accordingly.

VI. That every summons required by this Act shall be served by delivering the same to the person summoned, or by leaving the same at his or her usual place of abode, twenty-four hours at least before the time appointed by the summons for such person to appear.

VII. That if any such penalty or costs so adjudged by any Justices to be paid is not paid immediately upon adjudication, such Justices may issue their warrant to distrain and sell the goods and chattels of the person so adjudged to pay the same, for the amount thereof, with costs; and the proceeds of such distress, after paying the penalty and costs, and the costs of such distress and sale, shall be paid over to the person convicted; and the said penalty shall be paid over to the sheriff or other proper officer of the county, city, borough, or place in which such conviction shall take place, for her Majesty's use, and shall be returned to the Court of Quarter Sessions, under the provisions of an Act, 3 Geo. 4. c. 46, intituled, 'An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.'

VIII. That no order or conviction, or proceeding touching the same respectively, shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of Her Majesty's superior courts of record; and that when any distress shall have been made for levying any money by virtue of this Act the distress itself shall not be deemed unlawful, nor the party making the same a trespasser, on account of any defect or want of form in the summons, warrant, conviction, warrant of distress, or other proceedings in relation thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for special damage (if any) by action on the case.

ix. That the word "manufacturer" in this Act shall be understood to mean any person furnishing the materials of work to be wrought into hosiery goods, to be sold or disposed of on his own account, and the word "agent" to include any person conveying or delivering the same to the workman, and the word "workman" any person actually employed in the manufacture of the same.

x. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

### SCHEDULE.

If the Material to be manufactured be into Stockings:

Gauge:  
Ribbed or Plain:  
What kind of Material:  
Size:  
Jacks in Width:  
Mark:  
Length of Leg:  
Length of Foot:  
Narrowings in Leg:  
Narrowings in Heel:  
Narrowings in Gusset:  
Narrowings in Toe:

Dumps or Clocks:  
Bound Heels or Toes:  
Wrought Heels or Cut:  
Wrought Feet or Cut:  
Turnings in Leg:  
Wetted or not:  
Weight per Dozen:  
Price per Dozen Pair of making Legs:  
Price per Dozen Pair of making Feet:  
Name of Party putting out the Work:  
Name of Artificer.

If the Material to be manufactured be into Socks:

Gauge:  
Ribbed or plain:  
What Kind of Material:  
Size:  
Jacks in Width:  
Mark:  
Length of Leg with Top:  
Length of Foot:

Narrowings in Heel:  
Narrowings in Gusset:  
Narrowings in Toe:  
Cut or Wrought Heels:  
Cut or Wrought Feet:  
Price per Dozen Pair:  
Name of Party putting out the Work:  
Name of Artificer.

If the Material to be manufactured be into Gloves:

Gauge:  
Ribbed or plain:  
What Kind of Material:  
Size:  
Jacks in Width of Hand:  
Jacks in Width of Finger:  
Mark:  
Length of Hand:  
Length of Finger:

What Kind of Welts:  
Plaited or not:  
What Figure in Back of Hand:  
Weight per Dozen:  
Price per Dozen Pair of making Hands:  
Price per Dozen Pair of making Fingers:  
Name of Party putting out the Work:  
Name of Artificer.

If the Material to be manufactured be into Shirts:

Gauge:  
Ribbed or plain:  
What Kind of Material:  
Size:  
Jacks in Width of Body:  
Jacks in Width of Sleeve:  
Mark:  
Length of Body:

Length of Sleeve:  
Fashioned or not:  
Wetted or not:  
Weight per Dozen:  
Price per Dozen of making Bodies:  
Price per Dozen Pair of making Sleeves:  
Name of Party putting out the Work:  
Name of Artificer.

If the Material to be manufactured be into Caps:

Gauge:  
Ribbed or plain:  
Material:  
Jacks in Width:  
Fashion:

Striped or plain:  
Weight per Dozen:  
Price per Dozen:  
Name of Party putting out the Work:  
Name of Artificer:

If the Material to be manufactured be into any other Description of Hosiery:

Gauge:  
Length:  
Width:  
Weight:

Price:  
Fashion:  
Name of Party putting out the Work:  
Name of Artificer.

## CAP. LXXVIII.

AN ACT to provide for the Payment of Compensation Allowances to certain Persons connected with the Courts of Law in *England*, for Loss of Fees and Emoluments.

(4th August 1845.)

## ABSTRACT OF THE ENACTMENT.

*Commissioners of Her Majesty's Treasury to investigate claims of certain officers, and award compensation to them out of the Consolidated Fund.*

By this Act,

After reciting that the lawful fees and emoluments of the Clerks of Dispenſations and Faculties in Chancery, the Registrar of the Cinque Ports, the Clerks of the Petty Sessions at Deptford and Clapham, who respectively held or do now hold their offices for life, have been either wholly abolished or greatly diminished by the operation of certain Acts of Parliament, and advances on account of compensation have heretofore been made to some of them out of the grants of Parliament for civil contingencies: And that it is reasonable and just that compensation should be permanently allowed to the said persons for the loss which they have sustained, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland;—

It is Enacted,

That the Commissioners of Her Majesty's Treasury for the time being shall investigate the claims of the said officers respectively by such means and in such manner as they may think proper; and if any such claim shall be established to the satisfaction of the said Commissioners or any three of them they are hereby authorized and empowered to award to the claimant, by warrant under their hands, such compensation by way of annuity as they shall, under all the circumstances of the case, think him entitled to for the loss sustained; and such compensation shall commence in each case at such time as the said Commissioners shall think proper, and shall be issued and paid and be payable out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided always, that an account of such compensation shall be laid before the Commons House of Parliament within fourteen days after the date of the warrant, if Parliament shall be then assembled, and if not then within fourteen days after the meeting of Parliament then next following

## CAP. LXXIX.

AN ACT to continue until the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then Session of Parliament, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

(4th August 1845.)

By this Act, 3 & 4 Vict. c. 89. is continued in force until the 1st of October 1846, and, if Parliament be then sitting, to the end of the then session of Parliament.

## CAP. LXXX.—IRELAND.

AN ACT for regulating the Criminal Jurisdiction of Assistant Barristers as to certain Counties of *Cities* and Counties of Towns in *Ireland*.

(4th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *The criminal jurisdiction of the assistant barristers for the counties named in the schedule extended to the counties of cities and towns therein named; and general sessions of the peace to be held for such counties of cities and towns.*
2. *General or Quarter Sessions heretofore held in counties of cities and towns by assistant barristers to be valid.*
3. *Alteration of Act.*

By this Act,

After reciting that by 3 & 4 Vict. c. 108, it is, among other things, enacted, that it shall be lawful for Her Majesty, if she shall be pleased, upon the petition of the council of any borough, except the city of Dublin, as therein mentioned, to grant that a separate Court of Quarter Sessions of the Peace, or a court of record, for the trial of civil actions, shall thenceforward be holden in and for such borough; and it is thereby also enacted, that after the 1st of January therein mentioned the Justices assigned or hereafter to be assigned to keep the peace in and for the county in which any borough is situated, to which her Majesty shall not have granted that a separate Court of Sessions of the Peace shall be holden in and for the same, shall exercise the jurisdiction of Justices of the Peace in and for such borough, as fully as by law they and each of them can or ought to do in and for the said county: And that Her Majesty has not hitherto granted that any such separate Court of Quarter Sessions of the Peace should be holden in any of the counties of cities or counties of towns in the schedule to this Act annexed named: And that doubts have arisen as to whether the said counties of cities and counties of towns are included in the said last-recited provision of the said recited Act; and it is expedient to provide for the holding of General or Quarter Sessions of the Peace in and for the said counties of cities and counties of towns:—

It is Enacted,

1. That from and after the passing of this Act, and until Her Majesty shall be pleased to grant that a separate Court of General or Quarter Sessions of the Peace shall be holden in and for the said counties of cities or counties of towns respectively as aforesaid, the respective assistant barristers for the time being of the respective counties named in the first column of the Schedule to this Act annexed shall be Justices of the Peace in and for the respective counties of cities and counties of towns named in the second column of the said schedule, in conjunction with such respective counties at large in the said Schedule, and whereof they respectively are or shall be assistant barristers; and that the said assistant barristers shall have in the said counties of cities and counties of towns all such and the same powers, privileges and authorities respectively as they respectively have in and for the said respective counties in the said first column mentioned, and shall and may exercise such jurisdiction, powers, and authorities, either alone or together with the Justices assigned to keep the peace within the said respective counties of cities and counties of towns; and that a General or Quarter Sessions of the Peace shall be from time to time holden in and for the said respective counties of cities and counties of towns on the day next but one before the commencement of or immediately after the termination of the General or Quarter Sessions of the Peace, or any adjournment thereof, for the division of the said respective counties at large, within which or next adjacent whereto the said respective counties of cities or counties of towns are situate; and that from and after the passing of this Act such General or Quarter Sessions of the Peace so to be holden respectively in and for the said counties of cities and counties of towns, and also all adjourned sessions thereof, shall, as to all matters and things arising within such counties of cities and counties of towns respectively, or within five hundred yards of the boundaries thereof, have, use, and exercise all and every the same jurisdictions, powers and authorities as fully and effectually to all intents and purposes as any General or Quarter Sessions of the Peace holden in and for any county at large can or may have, use, or exercise in respect of matters and things arising within such county at large, and also all such further and other jurisdictions, powers, or authorities as were by any Act or Acts of Parliament now in force at any time heretofore granted to or vested in the General or Quarter Sessions of the Peace of the said counties of cities or counties of towns respectively of right holden within the said counties of cities and counties of towns respectively, before the passing of the said hereinbefore in part recited Act, 3 & 4 Vict. c. 108; and the jurors returned to serve at each of such General or Quarter Sessions of the Peace, or adjournment thereof, for such respective counties of cities and counties of towns shall be returned from the body of such county of a city or county of a town respectively; and it shall be lawful for such respective assistant barristers or the Justices of the Peace, at such respective General or Quarter Sessions of the Peace, to commit such persons liable to imprisonment as shall be convicted before them, or such persons as shall be otherwise liable to imprisonment, to the respective prisons of such respective counties of cities and counties of towns.

And after reciting that, since the passing of the said recited Act, some of the said assistant barristers for the said respective counties at large have acted as Justices of the Peace in and for, and have as such Justices held or presided or attended at General or Quarter Sessions of the Peace in and for the respective counties of cities and counties of towns named in conjunction with such respective counties at large in the said Schedule, and it is expedient that the acts, matters and things so done by the said respective assistant barristers should be deemed to have been good, valid and effectual:—

It is Enacted,

11. That any and every General or Quarter Sessions of the Peace heretofore held in and for any of the said counties of cities and counties of towns, after the passing of the said recited Act, shall be deemed to have been good, valid, and effectual to all intents and purposes, and that all and every act and acts of any such assistant barrister of any such county at large as aforesaid, heretofore after the passing of the said recited Act done at or relating to any such General or Quarter Sessions of the Peace held in and for any such county of a city or county of a town named in conjunction with such county at large in the said Schedule, or done as a Justice of the Peace in and for such county of a city or county of a town, and all and every act and acts of any Justice of the Peace, and every act, matter, or thing done at any such last-mentioned General or Quarter Sessions, and the act and acts of any officer or constable in obedience thereto, shall be and be deemed to have been as valid, good, and effectual in the law to all intents and purposes as if such sessions had been held, or such act or acts, matters or things had been done, after this present Act had been passed.

111. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

#### SCHEDULE to which the foregoing Act refers.

COUNTIES.  
County of KILKENNY.  
County of LIMERICK.  
County of WATERFORD.  
County of ANTRIM.

COUNTIES OF CITIES AND COUNTIES OF TOWNS.  
KILKENNY.  
LIMERICK.  
WATERFORD.  
CARRICKFERGUS.



## CAP. LXXXI.—IRELAND.

AN ACT to amend an Act of the last Session, for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of *Dublin*.

(4th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *So much of recited Act as empowers the Lord Lieutenant to direct sums required by the Commissioners to be advanced of the Consolidated Fund repealed, except as to things heretofore done.*
2. *The Commissioners of the Treasury, with the approbation of the Lord Lieutenant, empowered to direct advances to be made for such purposes;*
3. *And to declare the terms upon which such advances shall be made, &c.*
4. *Before each presenting term the Lord Lieutenant shall cause an estimate to be made of sums payable to the Exchequer by the said county during the ensuing year; and upon production of the certificate of the chief or under secretary of the amount, the grand jury shall present the same; to be levied together with and as other county charges.*
5. *Certificate of sums so payable shall be sent to finance committee half-yearly; and the amount shall be paid by the finance committee.*
6. *County officers shall be paid by finance committee out of any surplus funds of the present year.*
7. *The grand jury shall present the amount so paid.*
8. *And at each presenting term the grand jury shall present in advance for salaries of county officers.*
9. *Finance committee may repay sums expended in repair of sudden damage to bridges, &c.*
10. *Repeal of part of recited Act as to withholding salaries, &c. of county officers, for neglect, &c.*
11. *The grand jury, with the sanction of the Court, may suspend salaries of county officers, and make regulations as to payments, &c.*
12. *This Act to be read in conjunction with recited Act.*
13. *Alteration of Act.*

By this Act,

After reciting that by 7 & 8 Vict. c. 106, after reciting that it was expedient that provision should be made for the more speedy and effectual repair of the roads in the county of Dublin upon which Her Majesty's mails are carried, it is enacted, that it should be lawful for the Commissioners acting under and in execution of an Act, 1 & 2 Will. 4. c. 33, intituled 'An Act for the Extension and Promotion of Public Works in Ireland,' or any other Act for amending the same, upon the application of Her Majesty's Postmaster General for the time being, setting forth and describing the line of any such road, or the portion of any such road, in the said county of Dublin, which might stand in need of repair, by and with the consent of the Lord Lieutenant or other chief governor or governors of Ireland, to cause such road, or such portion thereof as should be described in such application, and any or every bridge, arch, or pipe, gullet or wall thereon, to be forthwith put into good and sufficient repair accordingly, under the superintendence of one of the county surveyors; and that upon the application of the said Commissioners, setting forth what sum would be requisite and necessary from time to time for the purposes aforesaid, it should and might be lawful for the Lord Lieutenant of Ireland to direct, by his warrant, that the sum or sums of money so required by the said Commissioners should be advanced and paid to the said Commissioners out of the produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be applied, under the directions of the said Commissioners, in manner aforesaid: And that it is expedient to alter and amend the said enactment, in so far as it empowers the Lord Lieutenant or other chief governor or governors of Ireland to direct, by his warrant, that the sum or sums of money so required by the said Commissioners should be advanced and paid to the said Commissioners out of the produce of the Consolidated Fund of Great Britain and Ireland, and to substitute new provisions in lieu thereof;—

It is Enacted,

I. That, save and except as to matters and things heretofore done under the said recited enactment, so much thereof as empowers the Lord Lieutenant or other chief governor or governors of Ireland to direct, by his warrant, that the sum or sums of money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the produce of the Consolidated Fund, shall be and the same is hereby repealed.

II. That from and after the passing of this Act, upon application of the said Commissioners, setting forth what sum will be requisite and necessary from time to time for the purposes in the said recited enactment mentioned, it shall be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any three of them, by and with the approbation of the Lord Lieutenant or other chief governor or governors of Ireland for the time being, by his or their warrant in writing, to direct that the sum or sums of money so required by the said Commissioners appointed or acting under the said Act, 1 & 2 Will. 4. c. 33, shall be paid and advanced to the said last-named Commissioners, out of the produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be applied, by and under the direction of the said last-mentioned Commissioners, in the manner and for the purposes in the said recited enactment mentioned.

III. Provided, declared and enacted, That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any three of them, in and by any warrant authorising or directing such advance as aforesaid, to declare on what terms the same shall be made, and to fix and appoint how, and in what manner, and at what time or times, and by what instalments, and with what rate of interest, if any, the same is to be levied and repaid to the Consolidated Fund.

And after reciting that divers sums of money have been from time to time heretofore and may hereafter be advanced from Her Majesty's Exchequer, by direction or authority of the Commissioners of Her Majesty's Treasury, or the Lord Lieutenant or other chief governor or governors of Ireland, for the public purposes of the said county of Dublin; and it is expedient that the repayment thereof should be made with as little delay as possible, and should not be postponed by reason of any preference given to local claims over those of Her Majesty's Exchequer:—

It is Enacted,

iv. That it shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland, at any time previous to each presenting term, to cause an estimate to be made of the probable sum which in the course of the then ensuing year will become due and payable by the said county of Dublin, or any barony, or portion of a barony, parish, or other denomination of land in the said county, to the Consolidated Fund, or to Her Majesty's Exchequer, for or on account of any such advances, together with any arrears or sums then remaining due and payable for or on account of any such advances during the preceding year; and it shall and may be lawful for the grand jury of the said county, at each presenting term, and they are hereby required, on the production of the certificate of the chief secretary or under secretary of such Lord Lieutenant or other chief governor or governors of the amount so estimated as aforesaid, to present, without previous application to presentment sessions to be levied off the said county, or any barony or baronies, portion of a barony, parish, or other denomination of land thereof, the amount of the sum or sums stated in such certificate; and in default of such presentment being made by the grand jury, it shall be lawful for the Court of Queen's Bench in Ireland to order the clerk of the crown to add such amount to the amount presented for other purposes by such grand jury; and the amount so presented or added shall form a portion of the sum to be raised on the county, or any barony, portion of a barony, parish, or other denomination of land thereof, and shall be apportioned, apportioned, and levied together with and in the manner directed by the said recited Act in reference to other county charges.

v. That the amount of all sums payable to the Consolidated Fund, or Her Majesty's Exchequer, in respect of such advances, for or on account of the said county of Dublin, or any barony, portion of a barony, parish or other denomination of land thereof, shall be ascertained and made up half-yearly; and a certificate of the amount so payable for each half year, with a statement of the accounts, and the particulars thereof, signed by the proper officer, shall be transmitted to the finance committee of the said county; and such amount, so certified, shall, to all intents and purposes whatsoever, be a charge upon all monies, rates, or cesses levied or collected for the purposes of the said county of Dublin, in priority and preference to any other lien, claim, charge, or demand whatsoever upon the same or any part thereof; and such amount shall be set apart and appropriated by the finance committee for the time being acting in execution of the said recited Act, out of such public money, rates, or cesses, for the repayment to the Consolidated Fund, or Her Majesty's Exchequer, of the sum so certified, in priority and preference to any other lien, charge, or demand, and shall not be applied to any other purpose; and the said finance committee shall pay over the said amount in such manner and to such bank or person as the Commissioners of Her Majesty's Treasury shall direct.

And after reciting that doubts have arisen whether, under the authority of the said recited Act, the grand jury of the said county of Dublin are authorized to make presentments in advance for the payment of the salaries of the several county officers to whom salaries are payable by half-yearly instalments under the said Act, so that funds may be available for such half-yearly payments, and no presentment has consequently been made at the last presenting term for the salaries of such county officers: remedy whereof—

It is Enacted,

vi. That it shall and may be lawful for the said finance committee, out of any surplus or balance of the funds of the said county which may accrue during the present year, to pay and discharge in half-yearly payments, commencing from the 1st January 1845, so far as such surplus or balance may enable them so to do, the salaries when due of all or any of the said officers, as also the sum of 8*l.* 8*s.*, being the salary of the housekeeper of the county court house at Green Street in the city of Dublin, and to take credit for such payments in their current accounts.

vii. That it shall be lawful for the grand jury of the said county of Dublin, and they are hereby required, at the next ensuing presenting term, to present a sum sufficient to replace in the Bank of Ireland, to the credit of the said finance committee, the amount of all sums so paid by them to the said county officers for or on account of their salaries during the present year, as to meet and discharge any balance which may be then still due to any of the said officers.

viii. That at the said presenting term, and at each succeeding presenting term, it shall be lawful to and for the grand jury of the said county to present in advance, and without previous application at presentment sessions, such sum as shall be estimated to be sufficient to pay the salaries payable under the said Act to the several county officers, as well as those specified in Schedule to the said Act annexed as the district surveyors appointed for the said county, and also a sum not exceeding 2*l.* a year as salary for the housekeeper of the county court house at Green Street in the city of Dublin; and it shall be lawful for the finance committee for the time being to pay to the said county officers respectively, by half-yearly instalments as the same shall respectively become due, the amount of such salaries, according to the true intent and meaning of the said Act.

ix. That it shall be lawful to and for the finance committee of the said county of Dublin, if they shall deem it expedient of any balance or county funds at their disposal, from time to time to repay and discharge any sums expended by any person in repairing any sudden damage to bridges, roads, or other county works under the provisions of the said Act in reference to such sudden damage, on the production to them of the Magistrate's order duly authorizing such repairs, and the certificate of the district surveyor that a sum not exceeding the sum specified in such order hath been faithfully and honestly expended pursuant thereto; and the grand jury of the said county is hereby empowered to present all sums so paid by the finance committee at the next presenting term, without previous application at presentment sessions.

x. That so much of the said recited Act as empowers the grand jury, with the sanction of the Court of Queen's Bench, to present, in case of negligent or insufficient discharge of duty on the part of any county officer, any sum less than the annual salary specified therein to be paid to such officer, or to withhold or refuse to make presentment for such officer, shall be and is hereby repealed.

xi. That from and after the passing of this Act, it shall and may be lawful for the grand jury of the said county, at any presenting term, by a resolution, to be signed by the foreman, with the express sanction of the Court of Queen's Bench in Ireland, to direct that the payment of any salary of any county officer who may be guilty of any negligent or insufficient discharge of his duty shall be either wholly or in part withheld, or to make such regulations for the paying or suspending the payment of the whole or any part of the salaries of any of such county officers, as the said grand jury, with the express approval of the said Court of Queen's Bench, may deem expedient.

xii. That this Act shall be read and interpreted in conjunction with the said recited Act, in such and the same manner as if the same was incorporated therein and part thereof.

xiii. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

### CAP. LXXXII.—IRELAND.

AN ACT to defray until the First Day of *August* One thousand eight hundred and forty-six the charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain and Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

(4th August 1845.)

This ACT contains the following clauses:—

- i. Secretary at war to issue the money required for pay of regular militia.—Rates of pay.—Rates of pay when absent on furlough.—Clothing.—Contingent fund.
- ii. Adjutant, &c. to reside where the Secretary at War shall appoint.
- iii. Adjutants and non-commissioned officers of militia may be employed in their counties.
- iv. Adjutant to have charge of the arms and clothing, and to issue the money for contingent expenses on an order signed by the colonel.—Balance to form a stock purse.
- v. In absence of the adjutant, the serjeants to be under the command of the serjeant-major.
- vi. Militia when called out for training or exercise entitled to pay.
- vii. Allowances to subalterns and surgeons mates and assistant surgeons.—Rank of certain officers.
- viii. Certain persons not entitled to allowances.
- ix. A declaration to be taken to entitle officers, &c. to such allowances.—Form of declaration.
- x. Allowances to officers reduced in 1829.
- xi. A declaration to be taken by officers claiming the said allowances.—Form of declaration.
- xii. Out-pension to reduced non-commissioned officers and drummers, not to be received while serving.
- xiii. Subalterns, mates, &c. to attend the exercise, &c.—Commanding officer may grant leave of absence.
- xiv. If the regiment be not called out before the time fixed for the payment, the allowance shall be paid, on making declaration, without certificate of attendance.
- xv. Allowances to be paid quarterly.
- xvi. On neglect of attendance, subalterns, &c. shall forfeit their claim to the allowance.
- xvii. Allowance not to be paid while the militia is embodied.
- xviii. Persons on half-pay, or entitled to allowance as having served in the army or navy, empowered to receive pay, during training.
- xix. Adjutants, &c., non-commissioned officers or privates, not to lose their right to Chelsea pensions, &c.
- xx. Allowance to be made for medicines.
- xxi. Adjutants appointed before 24th December 1814 entitled to receive, after a service of twenty years, if unfit for further service, an allowance of 8s. per day; provided they do not hold certain other appointments.—Adjutants appointed since 24th of December 1814, entitled to receive, after thirty years service, &c. an allowance of 6s. per day.—Right to half-pay reserved.—Certain terms extended to adjutants in cases of long and meritorious services.
- xxii. Allowances to adjutants, surgeons, and quartermasters.—Right to half-pay reserved.
- xxiii. Reduced adjutants to receive 4s. per day till 31st July 1845.—Right to half-pay reserved.
- xxiv. Adjutants and serjeant-majors entitled to allowance under 39 & 40 Geo. 3. c. 44.

XXV. Reduced adjutants may take such allowance with any pay or other allowance under 39 & 40 Geo. 3. c. 44, and 26 Geo. 3. c. 107.—Proviso.

XXVI. Restrictions as to allowances to reduced adjutants of the local militia.

XXVII. Allowances to clerks of general and subdivision meetings in England.—Allowances to such officers and others in Scotland.

XXVIII. Manner of granting allowances.—Clerks, &c. to make declaration of the justness of their accounts.

XXIX. Deputy lieutenants may require the attendance of any surgeon residing near the place of meeting for appeals.—Declaration to be made by surgeon.—Allowance to surgeon.

XXX. Pay, &c. to be issued under directions of the Secretary at War.

XXXI. Bills drawn for pay, &c. may be on unstamped paper.

XXXII. No fee to be taken.

XXXIII. Expense of house for depositing arms and stores of the militia in Ireland, &c. to be defrayed by the county.—Proviso as to amount of rent.

XXXIV. All things in this Act relating to counties shall extend to ridings, shires, &c.

XXXV. Continuance of Act.

### CAP. LXXXIII.

AN ACT for the Amendment and better Administration of the Laws relating to the Relief of the Poor in Scotland.

(4th August 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. Interpretation of words and expressions used in the Act; "burgh;" "sheriff;" "lands and heritages;" "oath;" "owner;" "persons."
2. Board of supervision for relief of the poor established.
3. Members of board to derive no emolument.—Their expenses to be paid.
4. One paid member and secretary to the board.
5. Meetings of the board.—Paid member of board of supervision to attend regularly.
6. Board may name committees.
7. Board may make general rules.
8. Board to record their proceedings, and make annual reports on the state of the poor.
9. Powers of the board of supervision to require returns and examine witnesses.
10. Board may authorize special inquiries to be made.
11. Board may appoint commissioners for conducting special inquiries.
12. Board may allow expenses of witnesses, &c.
13. Penalties on parties giving false evidence, or refusing to obey summons of the board.
14. Power of board to appoint clerks, &c.
15. Members of board of supervision may attend meetings of parochial boards.
16. Parishes may be combined.—Board of supervision may add other parishes.
17. Parochial board of managers of the poor in burghal parishes or combinations.
18. Board of supervision to fix the day for the first election of managers.
19. Mode of voting in burghal parishes or combinations.
20. Board of supervision may divide burghal parishes or combinations into wards or divisions for elections.
21. Right of voting how to be ascertained.
22. Parochial board in parishes not burghal or combined.
23. Elected members.
24. Elected members how to be appointed.
25. In cases of corporations or joint stock companies, who entitled to vote.
26. Husbands may vote in right of their wives.
27. Disputes as to elections how to be determined.
28. Party returned may act in the meantime.
29. Penalty on officer making false return.
30. Meetings of parochial boards and committees.
31. Parochial board to elect a chairman annually.
32. Parochial boards to meet and make up roll of the poor; and appoint an inspector of the poor.
33. Parochial boards may resolve that the funds shall be raised by assessment.
34. Modes of imposing assessment.
35. Assessment may be imposed according to local act or established usage.
36. Parochial boards may classify lands.
37. Annual values defined.

38. Roll of persons liable to assessment to be made up.
39. Amount of assessment payable by each person to be intimated.
40. Parochial boards to fix annually the amount of assessment, and make up roll of rate-payers.—Power to correct errors;
41. And impose additional assessments.
42. Power to parochial boards to exempt on the ground of inability.
43. Power to levy from tenants the assessment on owners.
44. Long leaseholders to be considered owners.
45. Canals and railways how to be assessed.
46. The same property not to be assessed in two parishes.
47. Companies or individuals to be assessed in certain cases.—Means and substance not to be assessed in more than one parish.
48. Means and substance under 30l. not to be assessed.
49. Stipends may be assessed.
50. Certain privileges of exemption to cease.
51. Assessment not to be void from error or misnomer.
52. Parish property vested in new parochial boards.
53. Funds to be invested.
54. Church collections in assessed parishes.
55. Duties of inspector of the poor.—Assistant inspectors in populous parishes.
56. Board of supervision may dismiss or suspend inspectors.
57. Inspectors may pursue and defend actions.
58. Actions transferred.
59. Lunatic paupers to be placed in asylums.—Board of supervision may direct removal in certain cases.
60. Provision as to poorhouses.
61. Parishes may unite for the purpose of building poorhouses.
62. Power to borrow money for building poorhouses.
63. Plans for poorhouses to be approved by board of supervision.
64. Parochial boards to frame rules for regulation of poorhouses.
65. Poor persons from other parishes may be received into poorhouses.
66. Medical attendance in poorhouses.
67. Parishes may subscribe to hospitals, &c.
68. Funds raised by assessment applicable to relief of occasional poor.
69. Medical relief, clothing, and education.
70. Destitute persons to be relieved, although having no settlement in the parish to which they apply.
71. Expenses may be recovered from parish of settlement.
72. Where parishes do not provide for removal of their poor from other parishes after notice.
73. Party refused may apply to sheriff.
74. Proceedings when amount of relief considered inadequate.
75. No action to lie relative to relief, unless by consent of board of supervision.
76. Settlement by residence for five years.
77. Removal of English and Irish paupers.
78. Removing officer to have powers of a constable.
79. Persons again becoming chargeable to be punished.
80. Punishment for desertion of wives, and refusal to maintain illegitimate children.
81. Penalties, how to be recovered.
82. Application of penalties.—To be prosecuted for within six months.
83. Rate payers competent witnesses.
84. Penalty on witnesses making default.
85. Informalities.
86. Limitation of actions.—Tenders of amends.
87. Provision for refusal or neglect of parochial boards.
88. Assessments for the poor may be recovered summarily as land and assessed taxes.
89. Parochial board may borrow money on security of assessment remaining due.
90. Notices, how to be given.
91. Former Acts repealed which are at variance with this Act.
92. Alteration of Act.

By this Act,

After reciting that it is expedient that the laws relating to the relief of the poor in Scotland should be amended, and that provision should be made for the better administration thereof:—

It is Enacted,

1. That the following words and expressions, when used in this Act, shall in the construction thereof be interpreted as follows, except where the nature of the provision or the context of the Act shall exclude or be repugnant to such construction; (that is to say,) the word "burgh" shall include and apply to cities, burghs, and towns which are royal burghs, or which send or contribute to send a member to Parliament; "sheriff" shall include and apply to sheriff substitutes and Stewart substitutes; the words "lands and heritages" shall extend to and include all lands, fishings, freshwaters, farms, quays, wharfs, docks, canals, railways, mines, minerals, quarries, coal works, lime works, brick works, iron works, and

works, factories, and manufacturing establishments, houses, tenements, shops, warehouses, mills, cellars, stalls, stables, gardens, yards, and all buildings and pertinents thereof; the word "oath" shall include the affirmation of a Quaker, Separatist, or Moravian; "owner" shall apply to life-renters as well as fiars, and to tutors, curators, commissioners, trustees, adjudgers, wadsetters, or other persons who shall be in the actual receipt of the rents and profits of lands and heritages; "persons" shall extend to a body politic, corporate, or collegiate; and every word importing the singular only shall extend to several persons or things as well as one person or thing; and every word importing the plural shall be applied to one person or thing as well as several persons or things; and every word importing the masculine gender shall extend to a female as well as a male.

II. That a board of supervision shall be and is hereby established for the purposes of this Act, and the said board shall consist of the following persons; (*videlicet*,) the Lord Provost of Edinburgh, the Lord Provost of Glasgow, the Solicitor General of Scotland, the sheriff depute of the county of Perth, the sheriff depute of the county of Renfrew, the sheriff depute of the county of Ross and Cromarty, all for the time being, together with three other persons, whom it shall be lawful for Her Majesty, her heirs and successors, by warrant under the sign manual, to appoint; and it shall also be lawful for Her Majesty, her heirs and successors, to supply any vacancy which may occur in the said board by removal, by death, or otherwise of any of the said three persons; and the said board shall be styled "The Board of Supervision for Relief of the Poor in Scotland;" and the said board may sit from time to time and at such places as they shall deem expedient.

III. That the members of the said board shall derive no profit or emolument for the discharge of the duties of their office, except as hereinafter mentioned, and shall not be personally responsible for anything done *bonâ fide* in the execution of this Act, or in the exercise of the powers therein contained: Provided always, that any necessary expenses incurred by the board or by members thereof, or committees or commissioners authorized or appointed by the board as hereinafter provided, shall be deemed as part of the incidental expenses attending the execution of this Act, and be paid accordingly; and an account of all expenses of the said board shall be annually laid before Parliament.

IV. That it shall be lawful for Her Majesty, her heirs and successors, to nominate one of the three members of the said board of supervision to be appointed by Her Majesty as aforesaid, who shall be paid, and also to appoint a fit person to be secretary to the said board, who shall also be paid, and to supply any vacancy which may occur in the said office of secretary; and such paid member of the board of supervision and such secretary shall each receive an adequate salary of such amount as shall from time to time be regulated and approved by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them; and such secretary shall find sufficient security for his intromissions and management to the satisfaction of the said board, and shall be liable to be removed by Her Majesty on the recommendation of the said board; and the sheriffs of the said three sheriffdoms of Perth, Renfrew, and Ross and Cromarty shall each receive the sum of 100*l.* sterling per annum, in addition to their present salaries, so long as they continue to act as members of the said board.

V. That the said board of supervision shall meet at Edinburgh in the court room of the first division of the court of session upon the 20th of August next, or upon the first convenient day within ten days thereafter, of which due notice shall be given by the secretary to each of the members, and shall thereafter hold two general meetings in each year, one upon the first Wednesday in February, and the other upon the first Wednesday in August; and at such first meeting, and at all other meetings to be held in pursuance of this Act, three shall be sufficient to act; and the said board shall have power to adjourn or such time and to such place as they shall see fit; and it shall be lawful for the said board to hold special or *pro re nata* meetings, which may be called by the secretary, provided that such notice shall be given in writing by the secretary as the board shall direct; and that all notices of special or *pro re nata* meetings shall specify the business or matter on which such meetings are called; and it shall be the duty of the paid member of the said board not only to attend at the general and special or adjourned meetings, but to give regular attendance for the purpose of conducting the business of the said board; and the board shall have chambers in Edinburgh, at which the ordinary business of the board shall be conducted, and at which the meetings of the board may be held.

VI. That the said board shall have power, as often as they may deem fit, to appoint any two or more of their number as a committee for the purposes of this Act, and if more than two to fix the number of such committee that shall be sufficient to transact business; and it shall be lawful for such committee, in transacting the business committed to them, to exercise all the powers necessary for that purpose which are by this Act given to the board of supervision; and such committee shall be bound to report to the board at such time or times as the board shall direct, and failing such direction shall report to the said board at its next general statutory meeting.

VII. That it shall be lawful for the said board from time to time, as they shall see occasion, to make general rules and regulations for conducting the business of the said board, and for exercising the powers and authorities thereof, and to alter such rules and regulations: Provided always, that such rules and regulations and alterations, or a copy thereof, shall be submitted to one of Her Majesty's Principal Secretaries of State for his sanction and approval, and for such additions or alterations as he may deem necessary; and no rules or regulations or alterations as aforesaid shall be effectual, except such shall have been approved of by the said Secretary of State, who shall be understood to have approved of all such rules and regulations and alterations aforesaid as shall have been transmitted for his sanction and approval if no intimation to the contrary be made to the board of supervision within twenty-one days from the date of such transmission; and a copy, signed and certified by the secretary of the board of supervision, of the rules and regulations and alterations approved as aforesaid, shall be evidence of such rules, regulations, and alterations in any court of law or justice.

VIII. That the said board of supervision shall make a record of their proceedings, in which shall be entered minutes of all things held by them, or any committee appointed by them, and all resolutions passed and orders made by them, and all matters which the board may judge proper; and the said board shall once in every year submit to one of Her Majesty's Principal Secretaries of State a general report of their proceedings, which report shall contain in particular a full statement

as to the condition and management of the poor throughout Scotland, and the funds raised for their relief; and every such report shall be laid before both Houses of Parliament within six weeks after the receipt of the same by such principal Secretary of State, if Parliament be then sitting, or if Parliament be not sitting, then within six weeks of the next meeting thereof.

ix. That it shall be lawful for the said board of supervision to inquire into the management of the poor in every parish or burgh in Scotland, and for this purpose the said board is hereby empowered to make inquiries, and require answers or returns to be made to the said board, upon any question or matter connected with or relating to the relief of the poor, and also by a summons, signed by one of their number, or by the secretary, to require the attendance of all such persons as they may think fit to call before them upon any such question or matter, and to administer oaths to and examine upon oath all such persons, and to require and enforce the production, upon oath, of all books, contracts, agreements, accounts, and writings, or copies thereof respectively, in anywise relating to any such question or matter, or in lieu of requiring such oath as aforesaid the said board may, if they think fit, require any such person to make and subscribe a declaration of the truth of the matters respecting which he shall have been or shall be so examined.

x. That it shall and may be lawful for the said board, whenever it may seem fitting to them, to authorize and empower for a limited time one of the members thereof to conduct any special inquiry in any part of Scotland, and to report thereon to the board; and such member, so authorized and empowered, shall be entitled to summon and examine on oath witnesses and havers, and to exercise all such other of the powers by this Act given to the board of supervision as may be necessary for conducting such inquiry, and such member shall be reimbursed by the said board for all expenses necessarily incurred by him in conducting such inquiry, and such expenses shall be deemed part of the expenses attending the execution of this Act, and be paid accordingly.

xi. That it shall and may be lawful for the said board of supervision, whenever it may seem fitting to them, with the consent of one of Her Majesty's principal Secretaries of State, or of Her Majesty's advocate for Scotland, or whenever the said board may be thereunto required by one of Her Majesty's said Secretaries of State, or Her Majesty's said advocate, to appoint some person, not being a member of the board, but being a member of the faculty of advocates, or a duly qualified medical practitioner, or an architect or surveyor, or two or more of such persons, to act as a commissioner or commissioners for the purpose of conducting any special inquiry for a period not exceeding forty days, and to report thereon; and the said board shall delegate to every person so appointed for the purpose of conducting such inquiry all such of the powers of the said board as they may deem necessary or expedient for summoning or examining witnesses and havers, and otherwise conducting such inquiry; and every such appointment shall be subject to the approval of one of Her Majesty's said Secretaries of State, or of Her Majesty's said advocate; and every person so appointed as aforesaid to conduct any special inquiry shall, before he enter on the execution of his duties, take an oath *de fidei administratione officii*, which oath may be administered to him by any member of the board, or any one of the Judges of the Court of Session, or the sheriff of any county, and it shall not be necessary to notify the appointment of any such Commissioner otherwise than by intimating the same in a letter under the hand of the secretary, or of any member of the board, to the sheriff of the county within which the inquiry in question is to be made; and every such Commissioner shall be reimbursed by the said board for all expenses necessarily incurred by him in conducting such inquiry, and shall also receive such reasonable remuneration for his time and trouble as may have been agreed upon between him and the said board, and approved of by Her Majesty's said Secretary of State or advocate; and failing of any such agreement the amount of the remuneration shall be fixed by the Lord High Treasurer, the Commissioners of Her Majesty's Treasury, or by such person or persons as he or they shall name.

xii. That it shall be lawful for the said board of supervision, in any case where they see fit, to order and allow such expenses of witnesses, and such expenses of or concerning the production of any books, contracts, agreements, accounts, writings, or copies thereof, to or before the said board or committee thereof or commissioner, as such board may deem reasonable; and such expenses so ordered and allowed shall be deemed part of the incidental expenses attending the execution of this Act, and be paid accordingly.

xiii. That if any person, upon any examination on oath under the authority of this Act, shall wilfully give false evidence, he shall be deemed guilty of perjury, and shall be liable to the pains and penalties thereof; and in case any person shall wilfully refuse to attend in obedience to any summons of the said board of supervision or committee thereof, or member or commissioner authorized or appointed by the board as aforesaid, or to give evidence, or shall wilfully refuse to produce any books, contracts, agreements, accounts, and writings, or copies of the same, which may be required to be produced before the said board or committee, or member or commissioner, or shall wilfully neglect or disobey any of the orders of the said board or committee, or member or commissioner, or be guilty of any contempt of the said board or committee, or member or commissioner, such person being thereof lawfully convicted shall forfeit and pay for the first offence any sum not exceeding 5*l.*, for the second and every subsequent offence any sum not exceeding 20*l.* nor less than 5*l.*

xiv. That the said board of supervision shall be and is hereby empowered from time to time to appoint all such clerks, messengers, and officers as they shall deem necessary, and from time to time, at the discretion of the said board, to remove such clerks, messengers, and officers, or any of them, and to appoint others in their stead; provided that the amount of the salaries of such clerks, messengers, and officers shall from time to time be regulated by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any three or more of them; and the name of every person so appointed or removed as aforesaid shall forthwith be intimated to one of Her Majesty's principal Secretaries of State for his approval, and shall be understood to approve of such appointment or removal if no notice to the contrary be received by the said board within twenty-one days from the day of the date of such intimation.

xv. That it shall be lawful for any of the members or the secretary of the said board of supervision, or for any clerk or officer of the said board, provided that such clerk or officer shall be duly authorized by a writing signed by two at least of the members of the said board of supervision, to attend and be present at the meetings of any parochial board for the management of the poor, and to take part in the discussions, but not to vote at such board.

*xvi.* That in every case in which it may appear to the board of supervision, on application by the parochial boards of any one or more adjoining parishes, or from a regard to the relative situation of two or more such parishes, or from any other circumstances, that the administration of the affairs of the poor therein might be carried on with greater advantage to the said parishes, and to the poor therein, by the said parishes being combined for the purposes of this Act, then the parochial boards of such parishes shall meet, on requisition to that effect by the board of supervision, for the purpose of considering the proposed combination; and in every case where the parochial boards of two or more such parishes shall resolve that it is expedient and proper that such parishes shall be combined for all purposes connected with the management of the poor, and the administration of the laws relating to their relief, and for the purposes of raising the necessary funds for the relief and support of the poor, and also for the purposes of settlement, and where it shall be established to the satisfaction of the board of supervision that it is expedient and proper that such parishes shall be so combined, it shall be lawful for the said board of supervision to resolve and declare that such parishes shall thenceforward be combined for the purposes aforesaid, and shall be considered as one parish so far as regards the support and management of the poor, and all matters connected therewith; and all expenditure in respect to the poor belonging to such combination of parishes shall be deemed and held to be the common expenditure of such combination of parishes, and be charged upon and paid out of the common and general fund to be raised for the relief of the poor over the whole of such parishes: Provided always, that, upon application by the parochial board of any parish adjacent to any such combination, it shall be lawful for the said board of supervision, if they see fit, due regard being had to the circumstances of the case, to resolve and declare that such parish shall be for the purposes of this Act added to such combination from and after a date to be signified in the resolution of the said board of supervision, and such parish shall, from and after such date, be held in law to be a part of such combination in all matters relative to the relief of the poor, and subject in every respect to the provisions and regulations hereby made and provided in relation to combinations of parishes; and such resolution shall be forthwith published in such manner as the said board of supervision shall direct.

*xvii.* That in every burghal parish or combination of parishes there shall be a parochial board of managers of the poor; and the whole administration of the laws for the relief of the poor shall be under the direction and controul of such parochial board, on whom shall devolve all the powers and authorities hitherto exercised by or vested in the magistrates of burghs in that behalf, or any other body or persons administering or entitled to administer the laws for the relief of the poor in any burgh or burghal parish; and until it shall have been resolved, as hereinafter provided, to raise the funds requisite for the relief of the poor of such parish or combination by assessment, the board shall, in the case of a burghal parish, where there is no combination of parishes, consist of the persons who, if this Act had not been passed, would have been entitled to administer the laws for the relief of the poor in such parish, and shall, in the case of a combination of parishes, consist of the persons who, if this Act had not been passed, would have been entitled to administer the laws for the relief of the poor in the several parishes of which the combination is composed, or of such committees of their number as they may think proper to appoint; and when in any burghal parish or combination in which it shall have been resolved, as hereinafter provided, to raise the funds requisite for the relief of the poor by assessment, the parochial board of such parish or combination shall be constituted and chosen as follows; (that is to say,) the persons assessed for the support of the poor within the parish or combination shall elect, in manner after mentioned, to be members of the parochial board, such number of managers, not being more than thirty, as the said board of supervision, having due regard to the population and other circumstances of every such parish or combination, may from time to time fix, and possessing such qualification by the ownership or occupancy of lands and heritages of a certain annual value within the parish or combination as the said board of supervision, having due regard to the population and other circumstances of every such parish or combination, may from time to time fix, such qualification being in no case fixed at a higher annual value than 50*l.*, to be ascertained in manner hereinafter provided in regard to the qualification of voters; and the magistrates of the burgh shall nominate four persons to be members of the parochial board, and the kirk session of each parish shall nominate not exceeding four members of such kirk session to be members of the parochial board: Provided always, that those parishes only shall be held to be separate parishes which at the date of this Act are separate parishes for the purposes of settlement and relief of the poor; and that where there shall be in any such parish two or more kirk sessions the members of such several kirk sessions shall meet together and nominate not exceeding four of their number to be members of the parochial board.

*xviii.* That where in any burghal parish or combination it shall have been so resolved to raise the funds requisite for the relief of the poor by assessment, and where the persons from whom such assessment is to be levied, and the amount payable by each, shall have been ascertained or determined as hereinafter provided, the board of supervision shall fix a day for the persons so assessed to elect such number of managers, duly qualified, to be members of the parochial board as shall be regulated by the board of supervision as aforesaid, and shall also fix a day or days for the magistrates and the kirk session or kirk sessions to nominate the persons to be by them respectively nominated to be members of the parochial board; and such managers and members, being elected or nominated, shall be entitled to act for the period of one year, and may be re-elected or re-appointed.

*xix.* That in all cases of the election of managers of the poor of any burghal parish or combination under this Act the votes shall be given or taken, collected and returned, in such manner and under such regulations as the board of supervision shall direct; and in every such election every person assessed for the support of the poor in such parish or combination shall be entitled to vote, whether such assessment be made in respect of ownership or occupancy of lands and heritages, or in respect of means and substance; and it is hereby declared that the owners of lands and heritages the annual value of which shall be under 20*l.* shall have each one vote; the owners of lands and heritages the annual value of which shall be 20*l.* but under 40*l.*, two votes; the owners of lands and heritages the annual value of which shall be 40*l.* but under 60*l.*, three votes; the owners of lands and heritages the annual value of which shall be 60*l.* but under 100*l.*, four votes; the owners of lands and heritages the annual value of which shall be 100*l.* but under 500*l.*, five votes; the owners of lands and heritages the annual value of which shall be 500*l.* and upwards, six votes; and that all persons assessed as the occupants of lands and heritages or assessed on means and substance, shall each have the same number of votes as an owner of lands and heritages assessed to the same amount for the support of the poor would have; and when any occupant shall also be the owner of lands and heritages, and assessed in both capacities, he shall be entitled to vote as well in respect of his ownership as of his occupancy;



and when any person who is assessed on his means and substance shall also be an owner of lands and heritages, and assessed as such, he shall be entitled to vote as well in respect of his ownership as of his means and substance: Provided always, that no person shall for himself have more than six votes in all, and that no person shall be entitled to vote who shall have been exempted from payment of his rates or assessment for relief of the poor on the ground of inability to pay, or who shall not have paid all such rates and assessments assessed upon and due from him at the time of so voting.

xx. That for the purpose of conducting the election of managers of the poor it shall be lawful for the board of supervision to divide any burghal parish or combination into such and so many wards or divisions as they may deem expedient, and to determine and apportion the number of managers to be elected by every such ward or division, having due regard to the population and the value of property therein: Provided always, that no person shall be entitled to vote for the managers of the poor in any such ward or division unless he reside therein, or have a right to vote in respect of his ownership or occupancy of lands and heritages within such ward or division; nor shall any person give in any one ward or division, in respect of ownership or occupancy of lands and heritages, a greater number of votes than he is entitled to in respect of lands and heritages in such ward or division; nor shall any person give in the whole of the wards or divisions into which a parish may be divided a greater number of votes than he would be entitled to have given if the parish had not been so divided.

xxi. That for the purpose of ascertaining the number of votes to which each person is entitled the books of the collector of the assessment for the poor shall be taken as the evidence of the annual value of the lands and heritages assessed, and of the amount for which each person is assessed.

xxii. That in every parish not being a burghal parish, and not being part of any combination as aforesaid, there shall be in like manner a parochial board for the management of the poor of such parish, and the whole administration of the laws for the relief of the poor shall be under the direction and controul of such parochial board, who shall have and exercise all the powers and authorities hitherto exercised by or vested in the heritors and kirk session, or in the heritors, kirk session, and magistrates, or any other body or persons administering or entitled to administer the laws for the relief of the poor in such parish, by virtue of any law or usage; and such parochial board shall be constituted as follows; (that is to say,) in every such parish as aforesaid in which the funds requisite for the relief of the poor shall be provided without assessment the parochial board shall consist of the persons who, if this Act had not been passed, would have been entitled to administer the laws for the relief of the poor in such parish; and in every such parish as aforesaid in which it shall have been resolved, as hereinafter provided, to raise the funds requisite for the relief of the poor by assessment, the parochial board shall consist of the owners of lands and heritages of the yearly value of 20*l*. and upwards, and of the provost and bailies of any royal burgh, if any, in such parish, and of the kirk session of such parish, and of such number of elected members, to be elected in manner after mentioned, as shall be fixed by the board of supervision: Provided always, that no provost or baillie or elder of the kirk session shall, as such, be a member of such parochial board unless he is assessed for the poor; and provided also, that not more than six members of the kirk session shall, as such, be members of such parochial board; and if the kirk session shall consist of more than six members it shall be lawful for such kirk session from time to time to nominate six of its members to be members of the parochial board, for such time as to the kirk session shall seem fit; and it shall be competent for any heritor, being a member of the parochial board, to appoint, as heretofore, by a writing under his hand, any other person to be his agent or mandatory to act and vote for him at such board; and such appointment shall remain in force till recalled; and such writing of appointment is hereby declared to be valid and lawful, although the paper whereon it is written should not be stamped.

xxiii. That in every such parish as aforesaid in which it shall have been resolved to raise the funds for relief of the poor by assessment, and in which the persons from whom such assessment is to be levied, and the amount payable by each, have been ascertained or determined as hereinafter provided, it shall and may be lawful for the persons so assessed, not being owners of lands and heritages of the yearly value of 20*l*., or provost or bailies of any royal burgh in such parish, or members of the kirk session, and as such members of the parochial board, to elect so many of their own number to be members of the parochial board of such parish as shall be regulated and fixed from time to time by the board of supervision, due regard being had to the amount of the population, the number and residence of the other members of the parochial board, and the special wants and circumstances of each particular parish; and the said board of supervision shall also fix a day for the said persons to meet and choose such number of elected members of the parochial board as shall have been fixed by the board of supervision as aforesaid; and such elected members, being so appointed, shall be entitled to act for the period of one year, and may be re-elected: Provided always, that no person shall be entitled to act as an elected member unless he be assessed to the poor, and pay assessment to the parish.

xxiv. That on the day so to be fixed by the board of supervision as aforesaid, and on the same day in each succeeding year, or on a day, as soon thereafter as may be, to be fixed by the board of supervision, the persons assessed as aforesaid shall meet for the purpose of appointing elected members of the parochial board; and if they shall not agree in the choice of elected members, then it shall and may be lawful for the inspector of the poor appointed in manner after mentioned, or in case of his absence or inability for any person appointed by the parochial board to act for the occasion, to take in writing and collect the votes of the persons entitled to vote at such meeting, and to declare (according to the number prescribed by the board of supervision) those persons to be elected members who shall appear to have the majority of votes, and in the event of an equality the person paying the largest amount of assessment shall be preferred; and at every such meeting owners of lands and heritages within the parish under 20*l*. of yearly value shall each have one vote, and tenants or occupants of lands and heritages, and persons assessed upon means and substance, if assessed to an amount less than is assessed upon an owner of lands and heritages of the yearly value of 20*l*., shall each have one vote; and if assessed to an amount equal to that assessed upon an owner of lands and heritages of the yearly value of 20*l*. but under 40*l*., shall each have two votes; and if equal to that assessed on an owner of lands and heritages of the yearly value of 40*l*. but under 60*l*., shall each have three votes; and if equal to that assessed on an owner of lands and heritages of the yearly value of 60*l*. but under 100*l*., shall each have four votes; and if equal to that assessed on an owner of lands and heritages of the yearly value of 100*l*. but under 500*l*., shall each have five votes; and if equal to that assessed on an owner of lands and heritages of the yearly value of 500*l*. or more,

shall each have six votes; and the books of the collector of the assessment in each parish shall be binding and conclusive for the purpose of ascertaining the number of votes to which any person shall be entitled in respect of the ownership, occupancy, or means and substance upon which he is assessed; and where any person who is assessed as owner is assessed also as occupier, or on means and substance, he shall be entitled to vote as well in respect of such occupancy, or means and substance, as of his being such owner: Provided always, that no person shall have more than six votes, and that no owner of lands and heritages of the yearly value of 20*l.* or upwards, and no provost, bailie, or member of the kirk session, being a member of the parochial board, and no person who shall have been exempted from the payment of his rates or assessments for the relief of the poor on the ground of inability to pay, or who shall not have paid all such rates and assessments assessed upon and due from him, shall be entitled to vote; and for the purpose of conducting the election it shall be lawful for the board of supervision to divide any parish into such and so many districts or divisions as they may deem expedient, and to determine and apportion the number of elected members to be elected by every such district or division, subject to the like conditions and restrictions as are hereinbefore provided in regard to the election of managers in burghal parishes or combinations.

xxv. That in cases of lands and heritages being owned or occupied by any corporation, or any joint stock or other company, or by joint owners or joint occupants, no member of such corporation or proprietor of or interested in such joint stock or other company, and no such joint owner or joint occupant, shall, as such, be entitled to vote at the election of any member of a parochial board of any parish or combination; but any member or officer of such corporation, joint stock or other company, or any one of such joint owners or joint occupants whose name shall be entered by order of such corporation or company, or the governing body thereof, or of such joint owners or joint occupants, in the books of the parish or combination, in the manner that may be directed by the board of supervision, and who shall have complied with the regulations regarding voting, shall be entitled to vote in the same manner as if he were the owner or occupant of such lands and heritages.

xxvi. That in all meetings and matters under this Act the husbands of owners of lands and heritages shall be entitled to vote and act in right of their wives.

xxvii. That any dispute which may arise as to the validity of the election of any person to be a member of the parochial board of any parish or combination shall be determined by the sheriff of the county in which such parish or combination, or the greater portion of them, may be situate, upon petition in a summary manner; and the said sheriff shall hear the parties, and investigate the matter in such way as he may think proper, and shall have power to call for such evidence, and for the production of such documents, as he may think necessary, provided that no written pleadings shall be allowed, and no record shall be made of the proceedings; and the decision by the said sheriff shall be final, and shall not be liable to appeal, or to suspension, advocacy, or reduction, or any other form of review; and it shall be lawful for the said sheriff to order the expenses of all such proceedings to be paid by such parties and in such manner as to him may seem equitable: Provided always, that it shall not be lawful for any person to question the validity of any election under this Act, unless a notice in writing of his intention so to do be served on the returning officer at the time of making the return, or within forty-eight hours from the time when such return shall have been made.

xxviii. That in the event of any disputed election of any parochial board, or of any member or members of any parochial board, the persons whose names are returned by the returning officer as having the majority of votes shall be entitled to sit and act as elected members of such board in the meantime and until the question regarding the validity of their election shall have been tried and determined; and all acts and deeds done by them in their character of members of such board or managers for the poor shall be valid and effectual; and no defect in the qualification, election, or appointment of any person acting in the character of a member of a parochial board shall vitiate or make void any proceedings of such board in which he may have taken a part.

xxix. That if any returning officer be guilty of wilfully making a false return he shall be liable to a penalty of 50*l.* to be recoverable by action in the Court of Session, and payable to the party or parties aggrieved by such false return.

xxx. That it shall be lawful for every parochial board to fix certain days and places on and at which the general meetings of the board shall be held, and to adjourn such meetings from time to time and to such places as they shall see fit: Provided always, that every parochial board shall be bound to hold at least two general meetings in every year, one on the first Tuesday of February, or as soon thereafter as may be, and the other on the first Tuesday of August, or as soon thereafter as may be, at such other stated times as may be approved of by the board of supervision, and at such meetings to revise and adjust the roll of paupers and their allowances; and it shall also be lawful for every parochial board to hold special meetings as occasion may require, upon summonses to be issued by the inspector of the poor or by the chairman of the board; and it shall be lawful for every parochial board to nominate and appoint committees to act on behalf of the whole board, and such committees in transacting the business committed to them shall exercise all the powers necessary for that purpose which belong to the parochial board.

xxxi. That every parochial board shall annually elect one of their number to be chairman for the year ensuing, and such chairman shall preside at all meetings of the board, and shall have both an original and a casting vote in case of equality; and in the event of the absence of the chairman of the board at any meeting the members present shall elect a chairman *pro tempore*, who shall act as chairman of the meeting, and such chairman shall have a casting as well as an original vote.

xxxii. That each parochial board shall, on the third Tuesday of September in this present year, or on such day thereafter may be fixed by the board of supervision, meet for the purpose of making up or causing to be made up a roll of the poor persons claiming and by law entitled to relief from the parish or combination, and of the amount of relief given or to be given to each of such persons, and for the purpose of appointing an inspector or inspectors of the poor in such parish or combination, and fixing the amount of remuneration to be given to every such inspector; and such meeting shall make up or cause to be made up such roll as aforesaid with the least possible delay, and shall nominate and appoint a fit and qualified person or

persons to be Inspector or Inspectors of the Poor in such parish or combination, and shall fix the amount of the remuneration to be given to every such inspector, and shall forthwith report to the board of supervision the name and address of such inspector, and the amount of the remuneration to be given to him, and shall at the same or at another meeting, to be held on a day not more than fourteen days thereafter, consider and determine as to the mode of raising the funds requisite for the relief of the poor in the parish or combination.

XXXIII. That it shall be lawful for the parochial board of any parish or combination assembled at such meeting, or at any adjournment thereof, or for the parochial board of any parish or combination at any meeting of such board called for that purpose, and of which due notice shall have been given, by letter, advertisement, or otherwise, to all the persons entitled to attend, to resolve that the funds requisite for the relief of the poor persons entitled to relief from the parish or combination, including the expenses connected with the management and administration thereof, shall be raised by assessment; and if the majority of such meeting shall resolve that the funds shall be raised by assessment, such resolution shall be final, and shall be forthwith reported to the board of supervision, and it shall not be lawful to alter or depart from such resolution without the consent and authority of the board of supervision previously had and obtained.

XXXIV. That when the parochial board of any parish or combination shall have resolved to raise by assessment the funds requisite, such board shall, either at the same meeting or at an adjournment thereof, or at a meeting to be called for the purpose, resolve as to the manner in which the assessment is to be imposed; and it shall be lawful for any such board to resolve that one half of such assessment shall be imposed upon the owners, and the other half upon the tenants or occupants of all lands and heritages within the parish or combination rateably according to the annual value of such lands and heritages, or to resolve that one half of such assessment shall be imposed upon the owners of all lands and heritages within the parish or combination according to the annual value of such lands and heritages, and the other half upon the whole inhabitants, according to their means and substance, other than lands and heritages situated in Great Britain or Ireland, or to resolve that such assessment shall be imposed as an equal per-centage upon the annual value of all lands and heritages within the parish or combination, and upon the estimated annual income of the whole inhabitants from means and substance, other than lands and heritages situated in Great Britain or Ireland; and when the parochial board shall have resolved on the manner in which the assessment is to be imposed, such resolution shall be forthwith reported to the board of supervision for approval; and if the manner of assessment so resolved upon shall be approved by the board of supervision, the same shall be adopted and acted upon in such parish or combination, and shall not be altered or departed from without the sanction of the board of supervision; and if the board of supervision shall disapprove of the manner of assessment so resolved upon as aforesaid, the parochial board, shall upon such disapproval being intimated, forthwith meet and resolve upon another mode of imposing the assessment consistent with law, and shall report such resolution to the board of supervision; and the manner of imposing the assessment so resolved upon shall be adopted and acted upon in such parish or combination, and shall not be altered or departed from without the sanction of the board of supervision.

XXXV. That if at the date of this Act an assessment for the poor shall in any parish or parishes be imposed according to the provisions of any local Act, or according to any established usage, it shall be lawful for the parochial board or boards of such parish or parishes to resolve that the assessment in such parish or parishes shall be imposed according to the rule established by such local Act or usage; and such resolution, if approved of by the board of supervision, shall continue to be acted upon in such parish or parishes, and shall not be altered or departed from without the sanction of the board of supervision.

XXXVI. That where the one half of any assessment is imposed on the owners, and the other half on the tenants or occupants of lands and heritages, it shall be lawful for the parochial board, with the concurrence of the board of supervision, to determine and direct that the lands and heritages may be distinguished into two or more separate classes, according to the purposes for which such lands are used and occupied, and to fix such rate of assessment upon the tenants or occupants of each class respectively, as to such boards may seem just and equitable.

XXXVII. That in estimating the annual value of lands and heritages, the same shall be taken to be the rent at which one year with another such lands and heritages might in their actual state be reasonably expected to let from year to year, under deduction of the probable annual average cost of the repairs, insurance, and other expenses, if any, necessary to maintain such lands and heritages in their actual state, and all rates, taxes, and public charges payable in respect of the same: Provided always, that no mine or quarry shall be assessed unless it has been worked during some part of the year preceding the day on which the assessment may be ordered to be levied.

XXXVIII. That when the parochial board of any parish or combination shall have resolved as aforesaid to raise by assessment the funds requisite, and when the manner in which the assessment is to be imposed shall have been fixed, and the sum to be so raised for the year or half year then ensuing shall have been ascertained, such parochial board shall make up or cause to be forthwith made up a book containing a roll of the persons liable in payment of such assessment, and of the sums to be levied from each of such persons, distinguishing the sums assessed in respect of ownership or occupancy, or income and substance; and the book or roll so made up shall be the rule for levying the assessment for the year or half year then ensuing; and the parochial board shall appoint one or more fit and qualified persons to be collector or collectors of the assessment, and shall fix the amount of remuneration to be given to every such collector; and it shall be competent to nominate and appoint the same person who is an inspector of the poor to be collector of the assessment, and to fix the amount of remuneration to be given to such person for the performance of the additional duties of collector of the assessment.

XXXIX. That as soon as may be after such book or roll is made up as aforesaid the collector shall intimate to each person the amount of the sum to be levied from him, and the time when the same is payable.

XL. That before the expiration of one year from the date at which the first assessment under the provisions of this Act shall have been imposed as aforesaid in any parish or combination, and yearly or half yearly thereafter, the parochial board of every such parish or combination shall fix and determine the amount of assessment for the year or half year then next ensuing, and shall make up or cause to be made up a book containing a roll of the persons liable in payment of such assessment, and of the

sums to be levied from each of such persons; and the roll so made up shall be the rule for levying the assessment for the year or half year then next ensuing; and the collector shall forthwith intimate to each person the amount of the sum to be levied from him, and the time when the same is payable: Provided always, that it shall be lawful for the parochial board of any such parish or combination, if there shall have been found to exist any error in the sum or sums to be levied by way of assessment, or any omissions or surcharges in respect of the persons liable to pay the same, to cause such error, omission, or surcharge to be corrected at their next or any subsequent meeting after such error, omission, or surcharge shall have been discovered: Provided also, that nothing herein contained shall preclude any person who considers himself aggrieved by such assessment from his remedy by law in the like form and on the same grounds as, at the date of the passing of this Act, was competent to any party who considered himself aggrieved by assessment imposed under the statutes then in force for relief of the poor, but to the extent and effect only of exempting himself from payment of any surcharge which may have been made upon him.

XLII. That if the assessment imposed for any year or half year shall, from any unforeseen or other circumstances, prove insufficient, it shall be lawful for the parochial board of such parish or combination to meet and impose such further and additional assessment as may be sufficient to raise the sum required.

XLIII. That it shall be lawful for the parochial board of any parish or combination to exempt from payment of the assessment or any part thereof, to such an extent as may seem proper and reasonable, any persons or class of persons on the ground of inability to pay.

XLIV. That where the one half of any assessment is imposed on the owners, and the other half on the tenants or occupants, of lands and heritages, it shall be competent for the collector of such assessment to levy the whole thereof from the tenants or occupants, who shall be entitled to recover one half thereof from the owners, or to retain the same out of their rents, on production of a receipt granted by the collector of such assessment.

XLV. That in all landward as well as all burghal parishes and combinations where houses have been or shall be built by the tenant of any land held under a building lease upon such land, the tenant and his heirs and assignees in such lease shall for the purposes of this Act be deemed and taken to be the owners of such houses.

XLVI. That in cases where any canal or railway shall pass through or be situate in more than one parish or combination, the proportion of the annual value thereof on which such assessment shall be made for each such parish or combination shall be according to the number of miles or distance which such canal or railway passes through or is situated in each parish or combination in proportion to the whole length.

XLVII. That the owners and occupiers of lands and heritages shall not be liable to be assessed in respect of such lands and heritages for the relief of the poor in more than one parish or combination.

XLVIII. That if in any parish or combination in which an assessment is imposed on means and substance any company or any individual shall occupy any lands and heritages, or shall carry on any trade or business in any premises within such parish or combination, such company and the partners thereof, and such individual, shall be liable to be assessed in such parish or combination on their or his means and substance derived from or relating to such occupancy, trade, or business, although none of the partners of such company, nor such individual, should be actually resident in such parish or combination; and such company and partners, and such individual, shall not be liable to be assessed on the same means and substance in any other parish or combination; and if any person shall be assessed in any parish or combination upon his means and substance, other than means and substance derived from or relating to the occupancy of lands and heritages within such parish or combination, or the carrying on of trade or business in premises within such parish or combination, such person shall not be assessed upon the same means and substance in any other parish or combination; and if any person shall reside in and be liable to be assessed as an inhabitant of more than one parish, it shall be optional to such person to determine in which of such parishes he shall be assessed on his means and substance, other than means and substance derived from and relating to the occupancy of lands and heritages, or the carrying on of trade or business in premises within any particular parish.

XLIX. That no person shall be liable to be assessed in any parish or combination on his means and substance unless the estimated annual value thereof in whole shall exceed 30*l*.

L. That clergymen shall be liable to be assessed for the poor in respect of their stipends.

L. And it is enacted and declared, That the privileges of exemption from payment of assessments in the city of Edinburgh, assessed and enjoyed by members of the College of Justice and officers of the Queen's household, shall not be applicable to assessments imposed and levied for the relief of the poor under the authority of this Act.

LII. That where any assessment shall have been imposed by the parochial board of any parish or combination, such assessment shall be payable at the time or times and in the proportions to be appointed by the parochial board; and no assessment shall be rendered void or affected by reason of any mistake or variance in the christian or surname or designation of any person liable thereunto, but all assessments shall be valid and effectual against the person intended to be charged, and *bona fide* made in payment of the same.

LIII. That where any property whatsoever, whether heritable or moveable, or any revenues, shall at the time of the passing of this Act belong to or be vested in the heritors and kirk session of any parish, or the magistrates, or magistrates and town council of any burgh, or commissioners, trustees, or other persons on behalf of the said heritors and kirk session, or magistrates, or magistrates and town council, under any Act of Parliament, or under any law or usage, or in virtue of gift, test, bequest, or otherwise, for the use or benefit of the poor of such parish or burgh, it shall, from and after a time to be fixed by the board of supervision, be lawful for the parochial board of each such parish, or of the combination in which such parish or burgh may be respectively, to receive and administer such property and revenues, and the right thereto shall be vested in the parochial board; and the said heritors and kirk session, magistrates, town council, commissioners, trustees, or other

persons are hereby authorized and required either to continue to hold all such property and revenues for the behoof of such parochial board, or to make, grant, subscribe, and deliver such dispositions, assignments, and conveyances of all such property and revenues as may be necessary to enable such parochial board to administer the same for behoof of the poor of such parish or combination.

LIII. That all and every sums or sum of money or other funds which have been or may hereafter be given, mortified, or bequeathed for the use of the poor, and which shall become vested in the parochial board of any parish or combination, and whereof the annual proceeds are to be applied for behoof of the poor, shall, if not specially directed to be otherwise invested, be, without delay, either lodged in a chartered bank, or placed at interest on government or heritable security, or in the stock of one or more of the chartered banks in Edinburgh; and the board of supervision is hereby authorized and empowered to require returns to be made to them from time to time, as they shall deem expedient, as to all such money or funds.

LIV. That in all parishes in which it has been agreed that an assessment should be levied for the relief of the poor, all monies arising from the ordinary church collections shall, from and after the date on which such assessment shall have been imposed, belong to and be at the disposal of the kirk session of each parish: Provided always, that nothing herein contained shall be held to authorize the kirk session of any parish to apply the proceeds of such church collections to purposes other than those to which the same are now in whole or in part legally applicable, or to deprive the heritors of their right to examine the accounts of the kirk session, and to inquire into the manner in which the funds have been applied: Provided also, that the session clerk or other officer to be appointed by the kirk session shall be bound to report annually, or oftener, if required, to the board of supervision, as to the application of the monies arising from church collections, and if such session clerk or other officer shall refuse to make such report when required he shall be liable to a penalty not exceeding 5*l*.

LV. That the inspector of the poor in each parish or division of a parish for which he may be appointed shall have the custody of and be responsible for all books, writings, accounts, and other documents whatsoever relating to the management or relief of the poor in such parish or division of a parish, and it shall be the duty of the said inspector to inquire into and make himself acquainted with the particular circumstances of the case of each individual poor person receiving relief from the poor funds and to keep a register of all such persons, and of the sums paid to them, and of all persons who have applied for and been refused relief, and the grounds of refusal, and to visit and inspect personally, at least twice in the year, or oftener if required by the parochial board or board of supervision, at their places of residence, all the poor persons belonging to the parish or division of the parish in the receipt of parochial relief, provided that such poor persons be resident within five miles of any part of such parish or division of a parish, and to report to the parochial board and to the board of supervision upon all matter connected with the management of the poor, in conformity with the instructions which he may receive from the said board respectively, and to perform such other duties as the said boards may direct: Provided always, that in populous and extensive parishes or divisions of parishes the duties of inspecting and visiting the poor may be performed by assistant inspectors or other competent persons, to be appointed and paid by the parochial board for these duties, and for whose conduct and accuracy the inspector of the poor shall be responsible to the board of supervision.

LVI. That if any inspector of the poor shall fail or neglect or refuse to perform the duties of his office, or shall, in the opinion of the board of supervision, be unfit or incompetent to discharge the duties of his office, then it shall and may be lawful for the said board of supervision, by a minute or order, to suspend or dismiss such inspector; and the parochial board or the parish or combination for which such person is inspector shall forthwith proceed to appoint another person to perform the duties of inspector of the poor in the room of the inspector so suspended or dismissed.

LVII. That in case it shall be necessary to commence or institute any action by or on behalf of any parish or combination or parochial board for the relief of the poor, such action may be brought in the name of any inspector of the poor of such parish or combination as pursuer; and in any action to be brought against any parochial board it shall not be necessary to call the individual members of the parochial board as defenders, but it shall be lawful for the pursuer in such action to call any inspector of the poor of any such parish or combination, and such inspector shall be bound to appear and answer on behalf of the parochial board; and all summonses, notices, diligences, decrees, or other proceedings served or obtained or had against any inspector of the poor shall be binding on and conclusive against the parochial board of the parish or combination for which he is an inspector; and the parochial board shall have the entire direction and controul of every such action, although the same may be carried on in the name of the inspector.

LVIII. That all actions brought by or against any inspector of the poor in his official character shall be continued by or against his successors in office, notwithstanding the death, resignation, suspension, or removal of such inspector, upon notice given to such successor, without any action of transference.

LIX. That in every case in which any poor person who shall have become chargeable in any parish or combination shall be insane or fatuous, the parochial board of such parish or combination shall, within fourteen days from the time when such person is declared or known to be insane or fatuous, provide that such insane or fatuous person be conveyed to and lodged in an asylum or establishment legally authorized to receive lunatic patients; and the inspectors of the poor in every parish or combination shall and are hereby required to report without delay to the board of supervision all cases of insane or fatuous persons chargeable as paupers in their respective parishes; and the said board of supervision is hereby authorized and empowered, on any parochial board refusing or neglecting to provide for the removal of an insane or fatuous poor person to an asylum or establishment as aforesaid within the time hereinbefore specified, to take such measures as may be necessary for removing such insane or fatuous poor person to a lunatic asylum or establishment; and the whole expense of such removal and all subsequent expenses shall be recoverable from and defrayed by such parochial board: Provided always, that in special circumstances in particular cases it shall be lawful for the parochial board, with the consent of the board of supervision to dispense with the removal of insane or fatuous poor persons to a lunatic asylum or establishment, and to provide for them in such other manner and under such regulations as to inspection and otherwise as shall be sanctioned by the board of supervision.

*And after reciting that for more effectually administering to the wants of the aged and other friendless impotent poor, and also for providing for those poor persons who from weakness or facility of mind, or by reason of dissipated and improvident habits, are unable or unfit to take charge of their own affairs, it is expedient that poorhouses should be erected in populous parishes;—*

*It is Enacted,*

**LX.** That in every case in which a parish or combination of parishes contains more than five thousand inhabitants according to the enumeration of the population then last published by authority of Parliament, it shall be lawful for the parochial board of any such parish or combination to take into consideration the propriety of erecting a poorhouse for such parish or combination, or of altering or enlarging any existing poorhouse; and if after full time and opportunity given for deliberate consideration the said parochial board shall be satisfied of the propriety of erecting a poorhouse, or of enlarging any existing poorhouse, and shall come to a resolution to that effect, such resolution shall be forthwith reported to the board of supervision, and if approved of by the board of supervision the same shall be carried into execution by the said parochial board.

**LXI.** That, with the concurrence of the board of supervision had and obtained thereto, it shall be lawful for the parochial boards of any two or more contiguous parishes to agree to build a common poorhouse for such two or more parishes; and the expense of maintaining and erecting such poorhouse shall be borne by such parishes in such proportions as shall be agreed on by the parochial boards of the said parishes respectively: Provided always, that if any such agreement for the purpose of building a poorhouse has once been effected, it shall not be lawful for any one or more of the parishes to withdraw from such agreement without the consent of the board of supervision previously had and obtained.

**LXII.** That for the purpose of erecting new poorhouses, and for enlarging, altering, or repairing any existing poorhouse, the parochial board in any parish or combination is hereby authorized and empowered to borrow money; and for the more effectually securing the repayment of the sum borrowed, with interest, it shall be lawful for the said parochial board to burden or charge the future assessments for the poor in such parish or combination with the amount of the money so borrowed: Provided always, that the principal sum so borrowed shall in no case exceed three times the amount of the assessment raised for the relief of the poor during the year immediately preceding that in which the money is borrowed; and that any loan of money borrowed for the purposes aforesaid shall be repaid by annual instalments of not less in any one year than one-tenth of the sum borrowed, exclusive of the payment of the interest on the same: Provided also, that no further or other sum shall be borrowed or chargeable on the poor assessment for the purposes aforesaid until the whole of the money last borrowed, with interest on the same, shall have been paid off.

**LXIII.** That from and after the passing of this Act no new poorhouse shall be built, nor shall any existing poorhouse be enlarged or altered, nor shall it be lawful to impose an assessment or borrow money for such purposes, unless the plan of such new poorhouse, or of such proposed enlargements or alterations, shall have been submitted to and approved by the board of supervision, and signed, subscribed, or indorsed by at least three of the members of the said board in attestation of their approval.

**LXIV.** That in every case in which a poorhouse already exists, or shall be built or enlarged or altered under the provisions of this Act, the parochial board or boards shall frame rules and regulations for the management of such poorhouse, and for the discipline and treatment of the inmates thereof, and for the admission of any known minister of the religious persuasion of any inmate of such poorhouse, at all reasonable times, on the request of such inmate, for the purpose of affording religious assistance to such inmate, and shall submit such rules and regulations to the board of supervision for approval; and such rules or regulations shall be effectual, or shall be acted upon, except such as shall have been approved by the board of supervision.

**LXV.** That it shall be lawful for the parochial board of any parish or combination in which a poorhouse has been or shall hereafter be erected to receive and accommodate in such poorhouse poor persons belonging to any other parish, and to charge such rates for the maintenance of such poor persons as shall be approved by the board of supervision, and such poor persons shall be in all respects subject to the same discipline and treatment as the other inmates of the poorhouse in which they are accommodated.

**LXVI.** That in all cases in which poorhouses shall be erected or enlarged or altered, under the provisions of this Act, there shall be proper and sufficient arrangements made for dispensing and supplying medicines to the sick poor, under such regulations as the parochial board shall make, and the board of supervision shall approve; and there shall be provided by the parochial board proper medical attendance for the inmates of every such poorhouse, and for that purpose it shall be lawful for the parochial board to nominate and appoint a properly qualified medical man who shall give regular attendance at such poorhouse, and to fix a reasonable remuneration to be paid to him by such parochial board: Provided always, that if it shall appear to the board of supervision that such medical man is unfit or incompetent or neglects his duty, it shall be lawful for the board of supervision to suspend or remove such medical man from his appointment and attendance.

**LXVII.** That it shall be lawful for the parochial board in any parish or combination, for the benefit of the poor of such parish or combination, to contribute annually, or otherwise, such sums of money as to them may seem reasonable and expedient, from the funds raised for the relief of the poor, to any public infirmary, dispensary, or lying-in-hospital, or to any public asylum, or asylum for the blind or deaf and dumb.

**LXVIII.** That from and after the passing of this Act all assessments imposed and levied for the relief of the poor shall not be applicable to the relief of occasional as well as permanent poor: Provided always, that nothing herein contained shall be held to confer a right to demand relief on able-bodied persons out of employment.

**LXIX.** That in every parish or combination it shall and may be lawful for the parochial board and they are hereby required, of the funds raised for the relief of the poor, to provide for medicines, medical attendance, nutritious diet, cordials, and

clothing for such poor, in such manner and to such extent as may seem equitable and expedient; and it shall be lawful for the parochial board to make provision for the education of poor children who are themselves or whose parents are objects of parochial relief.

**LXX.** That in every case in which a poor person in any parish or combination shall apply for parochial relief, the inspector of the poor, or other officer of such parish or combination whose duty it shall be to attend to such applications, shall be bound to make inquiry forthwith into the circumstances of the applicant, and shall, notwithstanding such poor person may not have a settlement in the parish or combination, if he be in other respects legally entitled to parochial relief, be bound to furnish him with sufficient means of subsistence until the next meeting of the parochial board, and such board shall continue to afford to such poor person such interim maintenance as may be adjudged necessary until the parish or combination to which such poor person belongs be ascertained, and his claim upon such parish or combination admitted or otherwise determined, or until he shall be removed; and every inspector of the poor, or other officer to whom application shall be made by or on behalf of any poor person for parochial relief, shall be bound to return an answer to such application within twenty-four hours from the time when it was made: Provided always, that if the necessary means of support are afforded to the applicant in the meantime, such inspector or other officer may delay giving a final answer to such application for any period which to him may seem necessary for prosecuting his inquiries: Provided also, that such poor person shall be bound to give to the inspector and parochial board of the parish or combination to which he has applied for relief all information and assistance which it is in his power to give for the purpose of ascertaining the parish or combination to which he belongs, and every other matter regarding his case which the inspector may desire to ascertain, and shall be bound to answer upon oath, if required, all such questions as may be put to him before any Justice of the Peace or magistrate, and in case of false swearing shall be liable to be prosecuted for perjury.

**LXXI.** That where in any case relief shall be afforded to a poor person found destitute in a parish or combination, it shall be lawful for the parochial board of such parish or combination to recover the monies expended in behalf of such poor person from any parish or combination within Scotland to which he may ultimately be found to belong, or from his parents or other persons who may be legally bound to maintain him: Provided always, that in all cases in which relief shall be afforded by one parish or combination to a poor person having a settlement in another parish or combination, written notice of such poor person having become chargeable shall be given to the inspector of the poor of the parish or combination to which such poor person belongs; and the parish or combination affording relief shall not be entitled to recover for any charges or expenses incurred in respect of such poor person, except from and after the date of such notice.

**LXXII.** That if within a reasonable time after notice the parish or combination to which such poor person shall as aforesaid have been ascertained to belong shall not remove such poor person, or shall not make provision to the satisfaction of the parish or combination which has given the notice for the constant weekly subsistence of such poor person, it shall be lawful for the parish or combination which has given the notice to cause such poor person to be removed to the parish or combination to which he belongs, at the expense of such last-mentioned parish or combination, unless such poor person shall, owing to sickness or infirmity, be incapable of being removed, in which case the parish or combination in which he is shall be bound to relieve him, and shall be entitled to recover from the parish or combination to which he belongs the amount so expended, provided that such amount does not exceed the rate expended for relief of other poor persons in the parish so relieving such poor person.

**LXXIII.** That if relief shall be refused to any poor person who shall have made application for relief, it shall and may be lawful for such poor person to apply to the sheriff of the county in which the parish or combination from which such poor person has claimed relief, or any portion of such parish or combination, is situate, and the said sheriff shall forthwith, if he be of opinion that such poor person is, upon the facts stated, legally entitled to relief, make an order upon the inspector of the poor, or other officer of such parish or combination, directing him to afford relief to such poor person in the meantime until such inspector or other officer shall, on or before a day to be appointed by the said sheriff, and to be intimated in the same order, give in a statement in writing shewing the reasons why the application of such poor person for relief was refused, which statement the said sheriff shall afterwards appoint to be answered, and shall, if required, nominate an agent to appear and answer on behalf of such poor person, and shall further, if necessary, direct a record to be made up, and a proof to be led by both parties; and it shall be lawful for the sheriff, if he shall see fit, to direct the interim support to such poor person to be continued until a final judgment shall have been pronounced on the merits of the case: Provided always, that nothing herein contained shall be construed to enable the said sheriff to determine on the adequacy of the relief which may be afforded, or to interfere in respect of the amount of relief to be given in any individual case.

**LXXIV.** That in every case in which any poor person shall consider the relief granted him to be inadequate, such poor person shall lodge or cause to be lodged a complaint with the board of supervision, which board shall and is hereby required, without delay, to investigate the nature and grounds of the complaint; and if, upon inquiry, it shall appear that the grounds of such complaint are well founded, and if the same shall not be removed, then the said board shall by a minute declare that in the opinion of the board such poor person has a just cause of action against the parish or combination from which he claims relief, and a copy of such minute, certified and signified by the secretary, shall, if required, be delivered to such poor person, and upon the production or exhibition of such minute or certified copy thereof such poor person shall forthwith, and without any further proceedings, be entitled to the benefit of the poor's roll in the court of session; and it shall be lawful for the board of supervision, after any action has actually been commenced by or on behalf of such poor person, to award to him such interim alimony as to the said board shall seem just during the dependency of such action, which award the parochial board of every such parish or combination shall be bound to obey.

**LXXV.** Provided and enacted, That it shall not be competent for any court of law to entertain or decide any action relative to the amount of relief granted by parochial boards, unless the board of supervision shall previously have declared that there is a just cause of action as hereinbefore provided.

**LXXVI.** That from and after the passing of this Act no person shall be held to have acquired a settlement in any parish or

combination by residence therein unless such person shall have resided for five years continuously in such parish or combination, and shall have maintained himself without having recourse to common begging, either by himself or his family, and without having received or applied for parochial relief; and no person who shall have acquired a settlement by residence in any parish or combination shall be held to have retained such settlement if during any subsequent period of five years he shall not have resided in such parish or combination continuously for at least one year: Provided always, that nothing herein contained shall be held to affect those persons who, previous to the passing of this Act, shall have acquired a settlement by virtue of a residence of three years, and shall have become proper objects of parochial relief.

LXXVII. That if any poor person born in England, Ireland, or the Isle of Man, and not having acquired a settlement in any parish or combination in Scotland, shall be in the course of receiving parochial relief in any parish or combination in Scotland, then and in such case it shall be lawful for the sheriff or any two Justices of the Peace of the county in which such parish or any portion thereof is situate, and they are hereby authorized and required, upon complaint made by the inspector of the poor, or other officer appointed by the parochial board of such parish or combination, that such poor person has become chargeable to such parish or combination by himself or his family, to cause such person to be brought before them, and to examine such person or any witness, on oath, touching the place of the birth or last legal settlement of such person, and to take such other evidence or other measures as may by them be deemed necessary for ascertaining whether he has gained any settlement in Scotland; and if it shall be found by such sheriff or Justices that the person so brought before them was born either in England or Ireland or the Isle of Man, and has not gained any settlement in Scotland, and has actually become chargeable to the complaining parish or combination by himself or his family, then such sheriff or Justices shall and they are hereby empowered, by an order of removal under their hands, which order may be drawn up in the form of the Schedule (A.) hereunto annexed, to cause such poor person, his wife, and such of his children as may not have gained a settlement in Scotland, to be removed by sea or land, by and at the expense of the complaining parish, to England, or Ireland, or the Isle of Man respectively, according as such poor person shall belong to England, Ireland, or the Isle of Man: Provided always, that no person shall be so removed until there has been obtained a certificate on soul and conscience, by a regular medical practitioner, setting forth that the health of such person, his wife and children as aforesaid, is such as to admit of such removal: Provided also, that nothing herein contained shall prevent any parochial board or their inspector from making arrangements for the due and proper removal of such poor persons either by land or water, provided the arrangement be made with the consent of such poor persons themselves.

LXXVIII. That every officer, constable, or other person to whom any such order of removal shall be delivered for the purpose of being carried into execution shall and may by virtue thereof detain and hold in safe custody every poor person mentioned in any such order until such poor person shall have arrived at the place to which he is ordered to be removed, and shall and may for that purpose, in every county and place through which he shall pass in the due execution of such order, have and exercise the powers with which a constable is by law invested, notwithstanding such person may not otherwise be empowered to act as a constable for the county or place respectively through which he may have occasion to pass in carrying such order into execution, and although such order may not have been granted or backed by any Judge or magistrate of such county or place.

LXXIX. That if any person who has been removed to England, or Ireland, or the Isle of Man from any parish or combination in Scotland, under any order of removal, shall afterwards return to Scotland and apply for relief, or again become chargeable by himself or his family to the same parish or combination without having obtained a settlement therein, such person shall be deemed to be a vagabond under the provisions of an Act of the Scottish Parliament, 1579, c. 74, intitled 'An Act for Punishment of straggling and idle Beggars, and Relief of the pure and impotent,' and may be apprehended and prosecuted criminally before the sheriff of the county in which such parish or any portion thereof is situate, at the instance of the inspector of the poor of the parish to which he shall have so applied for relief or become chargeable, and shall upon conviction be punishable by imprisonment, with or without hard labour, for such a period as the said sheriff shall think proper, not exceeding two months.

LXXX. That every husband or father who shall desert or neglect to maintain his wife or children, being able so to do, and every mother and every putative father of an illegitimate child, after the paternity has been admitted or otherwise established, who shall refuse or neglect to maintain such child, being able so to do, whereby such wife or children or child shall become chargeable to any parish or combination, shall be deemed to be a vagabond under the provisions of the aforesaid Act of the Scottish Parliament, 1579, c. 74, and may be prosecuted criminally before the sheriff of the county in which such parish or combination or any portion thereof is situate, at the instance of the inspector of the poor of such parish or combination, and shall upon conviction be punishable by fine or imprisonment, with or without hard labour, at the discretion of the said sheriff.

LXXXI. That every penalty or forfeiture imposed by this Act, the recovery of which is not otherwise provided for, may be recovered by summary proceeding upon complaint in writing made in the name of the secretary to the board of supervision, or of any agent to be appointed by a minute of the said board, to the sheriff of the county in which the offence shall have been committed, or to the sheriff of any county in which the offender may be found; and on such complaint being made such sheriff shall issue a warrant for bringing the party complained against before him, or shall issue an order requiring the party complained against to appear on a day and at a time and place to be named in such order; and every such order shall be served on the party offending either in person or by leaving with some inmate at his usual place of abode a copy of such order, and of the complaint whereupon the same has proceeded; and either upon the appearance or upon the default to appear of the party offending it shall be lawful for the sheriff to proceed to the hearing of the complaint, and upon proof of the offence, either by the confession of the party complained against or other legal evidence, and without any written pleadings or record of evidence, to convict the offender, and upon such conviction to decern and adjudge the offender to pay the penalty or forfeiture incurred, as well as such expenses as the sheriff shall think fit, and to grant warrant for imprisoning the offender until such penalty or forfeiture and expenses shall be paid: Provided always, that such warrant shall specify



the amount of such penalty or forfeiture and expenses, and shall also specify a period at the expiration of which the party shall be discharged, notwithstanding such penalty or forfeiture or expenses shall not have been paid, and shall in no case exceed three calendar months.

LXXXII. That the sheriff by whom any penalty or forfeiture shall be imposed by virtue of this Act, the application whereof is not herein otherwise provided for, shall award such penalty or forfeiture to the poor of the parish or combination in which the offence shall have been committed, and shall order the same to be paid over to the inspector of the poor or other officer for that purpose; provided that no person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act unless such penalty or forfeiture shall have been prosecuted for within six months after the commission of the offence for which it has been incurred.

LXXXIII. That no inhabitant or other person liable to be assessed for the relief of the poor in any parish shall be deemed an incompetent witness in any proceeding for the recovery of any penalty or forfeiture inflicted or imposed for any offence against this Act, notwithstanding such penalty, when recovered, shall be applicable as aforesaid.

LXXXIV. That if any person who shall be summoned as a witness to give evidence before any sheriff in any matter in which such sheriff shall have jurisdiction under the provisions of this Act shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, or appearing shall refuse to be examined upon oath or to give evidence before such sheriff, every such person shall forfeit a sum not exceeding 5*l.* for every such offence, over and above any other punishment to which such person may by law be liable for every such refusal.

LXXXV. That no proceeding for the recovery of penalties or forfeitures in pursuance of this Act shall be set aside for want of form, or on the ground of no record having been made, nor shall the same be removed by suspension, advocacy, appeal, or otherwise into or be in any manner subject to review or reduction by any superior court.

LXXXVI. That all actions on account of anything done in the execution of this Act shall be brought before the sheriff court, and every such action shall be commenced within three calendar months after the fact committed, and notice in writing of such action, and of the cause thereof, shall be given to the defender one calendar month at least before the commencement of the action; and no pursuer shall recover in any action for irregularity or wrongful proceedings if tender of sufficient amends shall be made by or on behalf of the party who shall have committed or caused to be committed any such irregularity or wrongful proceedings before such action shall have been brought, or if during the dependence of such action a tender shall be made of sufficient amends, and of all charges and expenses which the pursuer may already at the time of such tender being made have incurred in prosecuting such action.

LXXXVII. That in case any parochial board shall refuse or neglect to do what is herein or otherwise by law required of them, or in case any obstruction shall arise in the execution of this Act, it shall be lawful for the said board of supervision to apply by summary petition to the court of session, or, during the vacation of the said court, to the Lord Ordinary on the Bills, which Court and Lord Ordinary are hereby authorized and directed in such case to do therein as to such Court or Lord Ordinary shall seem just and necessary.

LXXXVIII. That the whole powers and right of issuing summary warrants and proceedings, and all remedies and provisions enacted for collecting, levying, and recovering the land and assessed taxes, or either of them, and other public taxes, shall be held to be applicable to assessments imposed for the relief of the poor; and the sheriffs, magistrates, Justices of the Peace, and other Judges may grant the like warrants for the recovery of all such assessments in the same form and under the same penalties as is provided in regard to such land and assessed taxes and other public taxes: Provided always, that it shall nevertheless be competent to prosecute for and recover such assessments by action in the sheriff's small debt court; and all assessments for the relief of the poor shall, in case of bankruptcy or insolvency, be paid out of the first proceeds of the estate, and shall be preferable to all other debts of a private nature due by the parties assessed.

LXXXIX. That if the parochial board of any parish or combination shall find it necessary in any year or half year to make disbursements for the relief of the poor beyond the amount received of the assessment applicable to the expenditure of such year or half year, it shall be competent for such board to borrow money on the security of such part of the assessment as is still due and unreceived, but not to an amount greater than one half of such part of such assessment; and when any money has been so borrowed as aforesaid on the security of assessments, it shall not be competent to borrow on the security of any future assessment until the money borrowed as aforesaid shall have been paid off.

XC. That in all cases in which by the provision of this Act notice or intimation is required to be given without prescribing the particular form of the notice, or the manner in which the same is to be given, it shall be lawful for the board of supervision from time to time to fix the form of such notice or intimation, and the manner in which the same is to be given.

XCI. That all laws, statutes, and usages shall be and the same are hereby repealed, in so far as they are at variance or inconsistent with the provisions of this Act; provided always, that the same shall continue in force in all other respects: Provided also, that nothing herein contained shall be held to affect or repeal an Act, 7 & 8 Vict. c. vi, intitled 'An Act for the Liquidation of the Debt owing by the Charity Workhouse of the City of Edinburgh,' in so far as such Act relates to that debt, and the powers thereby conferred for paying off the same.

XCII. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

*Order for Removal to England, &c.*

I *A.B.*, the Sheriff, [or *We, C.D. and E.F.*, two of the Justices of the Peace,] of the County of \_\_\_\_\_ do hereby  
order and adjudge *G.H.*, who has become and is now actually chargeable to the Parish of \_\_\_\_\_ to be removed,  
with *J.H.* his Wife and *K. L. M.* his Children, and conveyed to England, &c., in pursuance of the Provisions of an Act made and  
passed in the Eighth and Ninth Years of the Reign of Queen Victoria intituled [*Title of this Act*].  
(Signed)

CAP. LXXXIV.

AN ACT to repeal the several Laws relating to the Customs.

(4th August 1845.)

ABSTRACT OF THE ENACTMENTS.

1. *Commencement of Act.*
2. *Acts repealed, except as to duties due, penalties incurred, or offences committed.*
3. *All Orders in Council, bonds, and licences, and all acts done under repealed Acts, to be valid, notwithstanding the repeal.*

By this Act,

After reciting that several Acts were passed, 3 & 4 Will. 4, for consolidating the laws relating to the Customs and to navigation: And that since the passing of those Acts divers Acts for the amendment of them have been found necessary: And that it is expedient again to consolidate the said laws, and therefore that all the said Acts should be repealed;—

It is Enacted,

i. That from and after the passing of this Act the same shall come into and be and continue in full force and effect for all the purposes therein mentioned.

ii. That the several Acts hereinafter mentioned shall be repealed:—11 Geo. 4. & 1 Will. 4. c. 45; 3 & 4 Will. 4. c. 51; & 4 Will. 4. c. 52; 3 & 4 Will. 4. c. 53; 3 & 4 Will. 4. c. 54; 3 & 4 Will. 4. c. 55; 3 & 4 Will. 4. c. 56; 3 & 4 Will. 4. c. 57; 3 & 4 Will. 4. c. 58; 3 & 4 Will. 4. c. 59; 3 & 4 Will. 4. c. 60; 3 & 4 Will. 4. c. 61; 4 & 5 Will. 4. c. 13; 4 & 5 Will. 4. c. 89; 5 & 6 Will. 4. c. 56; 5 & 6 Will. 4. c. 66; 6 & 7 Will. 4. c. 60; 1 & 2 Vict. c. 113; 5 & 6 Vict. c. 47; 5 & 6 Vict. c. 49; 5 & 6 Vict. c. 56; 6 & 7 Vict. c. 84; 7 & 8 Vict. c. 16; 7 & 8 Vict. c. 43; 8 & 9 Vict. c. 12; 8 & 9 Vict. c. 45; and the said several Acts before mentioned are hereby accordingly repealed, except so far as the said Acts or any of them repeal any former Act or Acts or any part of such Act or Acts, and except so far as relates to any arrears of duty, or to any drawbacks which shall have become due and payable, or to any penalty or forfeiture which shall have been incurred under the said Act or Acts hereby repealed, or any of them, or to any offence which shall have been committed contrary to such Act or Acts, or any of them.

iii. It is enacted and declared, That all orders made by Her Majesty in Council, or under the authority of any of the Acts hereby repealed, or of any other Act relating to the Customs or to trade or navigation, and all bonds taken or licences granted under the authority of any such Act or Acts, and all acts whatsoever done under the authority or in pursuance of any such Act or Acts, shall be valid and effectual, notwithstanding the Act or Acts under the authority of which such orders shall have been made or such bonds shall have been taken and licences granted, and such acts shall have been done, may be repealed.

CAP. LXXXV.

AN ACT for the Management of the Customs.

(4th August 1845.)

ABSTRACT OF THE ENACTMENTS.

- Commencement of Act.*  
*Board of Customs, appointment of.*  
*Commissioners subject to the controul of the Treasury.*  
*Orders to be under the hands of the Commissioners.*  
*Previous appointments to remain in force.*  
*Appointment of necessary officers of Customs.—Salaries and allowances, and securities.*

7. *Persons employed by Customs deemed officers for such service.—Duties of officers performed by persons and at places appointed by Commissioners.*
8. *Officers taking any fee or reward not allowed shall be dismissed.—Penalty for offering fee.*
9. *Previous appointments and securities to remain in force.*
10. *Declaration on admission to office.*
11. *Hours of attendance and division of service in those hours.*
12. *Officers of Customs not liable to serve parochial and other local offices.*
13. *Holidays.*
14. *Collector in London to pay duties daily to Receiver General.*
15. *In London debentures and orders to be paid by Receiver General.—Payments at out-ports by collector.*
16. *Commissioners of Customs may close accounts of collectors.*
17. *Salaries not subject to duties.*
18. *All monies received by Receiver General of Customs in England shall be paid into the Bank of England.*
19. *Money for ordinary payments may be retained.*
20. *Bank to keep an account, to be returned to the Customs for inspection.*
21. *Money carried to the Exchequer to be written off at the Bank.*
22. *Receiver General may draw on the Bank to pay drawbacks, &c.—Drafts to be countersigned by Comptroller General.*
23. *Officers of the Exchequer to be furnished with appropriation papers.*
24. *On the death or removal of Receiver General, the balance to vest in his successor.*
25. *Receiver General to keep account.*
26. *Punishment for forgery on Receiver General, transportation for life.*
27. *Commissioners of Customs, collectors, &c. authorized to administer oaths.*
28. *Commissioners of Her Majesty's Customs, surveyors general, &c. may examine witnesses on oath.—False oath deemed perjury.*
29. *Lands and buildings already taken for the service of Her Majesty's Customs to be vested in the secretary of the Customs for the time being;*
30. *And also all lands, &c. to be hereafter purchased for the use of the Customs.*
31. *Secretary, under authority of Commissioners, may sell or let lands vested in them.*
32. *Monies produced by sale of such lands to be paid to the Receiver General.*
33. *After payment, purchasers to stand possessed of the lands, &c.*
34. *Treasury may authorize persons to survey and mark out lands for watch-houses, &c.*
35. *Bodies politic, &c. may contract for the sale.*
36. *Persons refusing to sell or to accept the consideration offered, two Justices may put Her Majesty's officers into possession, and jury shall be summoned, who shall find the compensation to be made.*
37. *Lands that are suitable may be taken in lieu of such as have been marked out.*
38. *If any person be dissatisfied with verdict, appeal may be made to the Court of Exchequer in England or Ireland, or to the Court of Session, &c. in Scotland.*
39. *Jury, in ascertaining compensation for premises, to settle proportion to be paid to lessees.*
40. *Security to be given for costs.*
41. *Upon delivering up lands to the owners, all erections for the public service to be removed, making compensation to owners.*
42. *Purchase-money belonging to incapacitated persons, &c. to be paid to the proper officer of the Exchequer for their use.*
43. *Barons of the Exchequer, &c., on petition of parties interested, to order the application of money.*
44. *On the death, removal, or resignation of officer of Exchequer, stocks and securities shall vest in successor.*
45. *Gardens not to be affected.*
46. *Documents signed by three Commissioners of the Treasury to be deemed the act of the whole Commissioners.*
47. *Act to be registered in Royal Court of Jersey.*
48. *Alteration of Act.*

By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 51, whereby the laws in relation to the management of the Customs were consolidated: And that since the passing of the said Act divers parts of Acts for the further amendment of the law in the respect have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Acts and parts of Acts should be consolidated into one Act;—

It is Enacted,

I. That from and after the passing of this Act the same shall come into and be and continue in full force for all the purposes mentioned therein, except where any other commencement is herein particularly directed.

II. That it shall be lawful for Her Majesty from time to time to appoint, under the great seal of the United Kingdom, any number of persons not exceeding thirteen to be Commissioners of Her Majesty's Customs for the collection and for the management of the Customs in and throughout the whole of the United Kingdom, and of any of Her Majesty's possessions abroad, and that each of such Commissioners, when so appointed, shall have and hold his office during Her Majesty's pleasure.

III. That the said Commissioners so appointed or to be appointed by Her Majesty shall, in all matters and things relating to the execution of their duties, be subject to the authority, directions, and controul of the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, and shall obey such orders and instructions as shall from time to time be issued to them by the said Commissioners of Her Majesty's Treasury under the hands of three or more of them.

IV. That every order, document, instrument, or writing, not being for the payment of money, required by any law at any time in force to be under the hands or under the hands and seals of the Commissioners of Her Majesty's Customs, being

attested by the hands or the hands and seals of two or more of such Commissioners, and every such order for the payment of money being attested by the signatures of three or more of such Commissioners, shall be deemed to be an order, document, instrument, or writing under the hands or under the hands and seals, as the case may be, of the Commissioners of Her Majesty's Customs accordingly.

v. That any appointment of Commissioners of Her Majesty's Customs in force at the time of the commencement of this Act shall continue in force as if the same had been afterwards made under and by virtue of the authority of this Act.

vi. That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or for the Commissioners of Her Majesty's Customs, under the authority of the said Commissioners of Her Majesty's Treasury, to appoint proper persons to execute the duties of the several offices necessary to the due management and collection of the Customs, and all matters connected therewith, under the controul and direction of the Commissioners of Her Majesty's Customs, and to grant or allow to such persons such salaries or other allowances, or to permit such emoluments, for the labour and responsibility in executing the duties of their respective offices or employments, and to require of such persons such securities for their good conduct therein, as the said Commissioners of Her Majesty's Treasury shall deem to be reasonable and necessary; and such persons shall hold their offices during the will and pleasure of the said Commissioners of Her Majesty's Treasury, or of the Commissioners of Her Majesty's Customs, in such cases and in such manner as the said Commissioners of Her Majesty's Treasury shall direct.

vii. That every person employed on any duty or service relating to the Customs by the orders or with the concurrence of the Commissioners of Her Majesty's Customs (whether previously or subsequently expressed) shall be deemed to be the officer of the Customs for that duty or service; and that every act, matter, or thing required by any law at any time in force to be done or performed by, to, or with any particular officer nominated in such law for such purpose, being done or performed by, to, or with any person appointed by the Commissioners of Her Majesty's Customs to act for or in behalf of such particular officer, the same shall be deemed to be done or performed by, to, or with such particular officer; and that every act, matter, or thing required by any law at any time in force to be done or performed at any particular place within any port, being done, or performed at any place within such port appointed by the Commissioners of Her Majesty's Customs for such purpose, the same shall be deemed to be done or performed at the particular place so required by law.

viii. That if any officer, clerk, or other person acting in any office or employment in or belonging to the Customs under the controul and direction of the Commissioners of Her Majesty's Customs in any part of Her Majesty's dominions shall take or receive any fee, perquisite, gratuity, or reward, whether pecuniary or of any other sort or description whatever, directly or indirectly, from any person (not being a person duly appointed to some office in the Customs), on account of anything done or to be done by him in or in any way relating to his said office or employment, except such as he shall receive under any order or permission of the said Commissioners of Her Majesty's Treasury, every such officer so offending shall, on proof thereof to the Commissioners of Her Majesty's Customs, be dismissed from his office; and if any person (not being a person duly appointed to some office in the Customs) shall give, offer, or promise to give any such fee, perquisite, gratuity, or reward, such person shall for every such offence forfeit the sum of 100*l*.

ix. That all commissions, deputations, and appointments granted to any officers of the Customs in force at the time of the commencement of this Act shall continue in force as if the same had been afterwards granted under and by virtue of the authority of this Act; and that all bonds which shall have been given by any such officers and their respective sureties, for good conduct or otherwise, shall remain in full force and effect.

x. That every person who shall be appointed to any office or employment in the service of the Customs under the controul and direction of the Commissioners of Her Majesty's Customs in any part of Her Majesty's dominions shall, at their respective admissions thereto, make the following declaration; (that is to say,)

I, A. B. do declare, That I will be true and faithful in the Execution, to the best of my Knowledge and Power, of the Trust committed to my Charge and Inspection in the Service of Her Majesty's Customs; and that I will not require, take, or receive any Fee, Perquisite, Gratuity, or Reward, whether pecuniary or of any Sort or Description whatever, either directly or indirectly, for any Service, Act, Duty, Matter, or Thing done or performed or to be done or performed in the Execution or Discharge of any of the Duties of my Office or Employment, on any Account whatever, other than my Salary, and what is or shall be allowed me by Law, or by any special Order of the Commissioners of Her Majesty's Treasury or the Commissioners of Her Majesty's Customs for the Time being.

xi. That it shall be lawful for the said Commissioners of Her Majesty's Treasury by their warrant from time to time to appoint the hours of general attendance of the Commissioners and respective officers of the Customs, and other persons in the service of the Customs, at their proper offices and places of employment; and that it shall be lawful for the Commissioners of Her Majesty's Customs to appoint the times during such hours at which any particular parts of the duties of such officers and other persons respectively shall be performed by them.

xii. That no Commissioner of Her Majesty's Customs, nor any officer of Customs, or person employed in the collection management or accounting for the revenue of Customs, or any part thereof, nor any clerk or other person acting under him, shall, during the time of his acting as such Commissioner or as such officer, or of his being so employed as aforesaid, of his acting as such clerk, or other person as aforesaid, as the case may be, be compelled to serve as a mayor, or sheriff, or any corporate or parochial or other public office or employment, or to serve on any jury or inquest, or in the militia, by law, usage, or custom to the contrary thereof notwithstanding.

xiii. That no day shall be kept as a public holiday by the Customs except Christmas Day and Good Friday in every year, and any days appointed by Her Majesty's proclamation for the purpose of a general fast or of a general thanksgiving, and as far as regards Scotland, any days appointed for such purposes by authority of the General Assembly, and also such days as shall have been appointed for the celebration of the birthdays of Her Majesty and of her successors, and that such days shall be kept as public holidays by the officers and servants of the dock companies in the United Kingdom.

xiv. That the collector of the Customs in the port of London shall pay into the hands of the receiver general of the Customs the whole of the monies which he shall receive on account of the duties of Customs on the day on which he shall receive the same, or as near the whole as may be, save and except such sum or sums of money as shall from time to time, by virtue of the special order of the Commissioners of Her Majesty's Customs, be directed to be deducted, paid, or allowed therefrom.

xv. That every sum of money which shall be due in the port of London upon any debenture, certificate, or other instrument or document whatever for the payment of any money out of the duties of Customs shall be paid by the receiver general of the Customs out of any money in his hands arising from the duties of Customs, and every such payment shall be allowed by the Commissioners for the better examining and auditing the public accounts of this kingdom, in the settling or auditing of the accounts of the receiver general of the Customs; and when any such payment shall become due at any other port in the United Kingdom, the same may be paid by the collector at such port, the comptroller being duly apprised thereof, out of any of the money in his hands arising from the duties of Customs, and under such directions and instructions for the due execution of their offices as shall from time to time be given to them by the Commissioners of Her Majesty's Customs.

xvi. That it shall be lawful for the Commissioners of Her Majesty's Customs finally to settle and close the accounts of any collectors or receivers of any part of the revenue of the Customs or other duties under their management, notwithstanding any erroneous appropriation of any duties of Customs received by such collectors or receivers; and the said Commissioners are hereby empowered to correct such appropriation, in order to prevent the accounts of any such collectors or receivers from being kept open; and all such corrections shall be allowed by the Commissioners for auditing the Public Accounts in the passing the general accounts of Customs, subsidies, or impositions.

xvii. That all salaries, allowances, or compensations granted or allowed to any officer, clerk, or other person in the service of the Customs shall be paid without any abatement or deduction on account of any duties imposed by any Act of Parliament, unless expressly charged thereon, save and except all duties imposed by any Act for granting duties on profits arising from property, professions, trades, and offices.

And after reciting that it is expedient that regulations should be established by law in the office of the receiver general of the Customs in England for depositing in the Bank of England all the monies, bills, drafts, and notes received by such receiver general on account of the revenue under the management of the Commissioners of Her Majesty's Customs, except as hereinafter mentioned, until the same shall be paid into the Exchequer;—

It is Enacted,

xviii. That all monies, bills, notes, and drafts received by or coming to the hands of the receiver general of the Customs in England on account of the revenue of Customs in Great Britain, shall be paid by him into the hands of the Governor and Company of the Bank of England; (that is to say,) such monies and notes, and such of the bills and drafts as shall be already accepted, or shall not require acceptance, having been first duly indorsed, shall be paid as aforesaid on the day on which the same shall have been received, and such of the bills and drafts as shall require acceptance, and not be already accepted when received, (the same having been first duly indorsed where necessary,) within three days after the same shall have been accepted, for which monies, bills, notes and drafts the entry in the book hereinafter mentioned shall be a sufficient discharge; and all such monies, bills, notes and drafts so to be paid to the Governor and Company of the Bank of England shall be placed to an account to be raised in the books of the said Governor and Company, and to be intitled "The Account of the Public Monies of the Receiver General of Customs," inserting the name of such receiver general for the time being.

xix. Provided and enacted, That it shall be lawful for such receiver general to retain and keep in his own hands, for the payment of casual and ordinary and daily demands out of the monies so received by him as such receiver general, a sum not exceeding 1,000*l.* at the close of each day, and also any further sum which he shall be directed to retain by the said Commissioners, not exceeding 4,000*l.*, and also any further sum, with the permission in writing of any three or more of the said Commissioners of Her Majesty's Treasury.

xx. That the Governor and Company of the Bank of England, or some person duly authorized in that behalf, shall daily upon receiving any money, bills, notes, or drafts from such receiver general of the Customs, make an entry of the money, bills, notes, and drafts so received, in a book to be provided by the Governor and Company of the Bank of England, which book shall be forthwith re-delivered to the persons making the payments for the Customs, and inspected daily after its return by the Comptroller General of the Customs or his clerk, (such clerk being first duly authorized by him, and whose conduct he shall be answerable,) who shall compare the same with the account of monies, bills, notes, and drafts received by the said receiver general, for the purpose of ascertaining that the receiver general constantly pays into the Bank all the money, bills, notes, and drafts which he ought to do under the provisions of this Act; and any default which such comptroller general or his clerk may discover in that behalf shall be immediately reported by him to the said Commissioners of Her Majesty's Customs, who shall report the same, unless it shall appear to them to have happened by mistake or inadvertence, to the said Commissioners of Her Majesty's Treasury.

xxi. That the monies placed to the account of the receiver general as aforesaid in the Bank of England shall be paid into the Exchequer from time to time as by law is directed, in manner following; that is to say, the receiver general or his clerk duly authorized by him for that purpose, and for whose conduct therein he shall be answerable, shall make an order weekly upon the Governor and Company of the Bank of England, which order shall be countersigned by the comptroller general or his clerk, to write off from his account the sum specified; and the said Governor and Company or some person duly authorized on their behalf, shall thereupon write off such sum, and deliver a note, drawn and cancelled in such manner as shall be approved by the said Commissioners of Her Majesty's Treasury, for the amount, to the receiver general or his clerk, who shall pay the same into the Exchequer, and the bank clerks attending there shall receive it as so much cash; and it shall not be lawful for the Governor and Company of the Bank of England to pay or transfer any

part of the money so paid in and placed to the account of such receiver general from such account, otherwise than into the Exchequer in manner aforesaid, and except in the manner hereinafter directed, or to deliver any note or notes, bill or bills of exchange, save and except to the solicitor of the Customs or his clerk, upon his application for the same, together with the receiver general or his clerk, and the comptroller general or his clerk, for the sole purpose of taking out an extent for the security of the money for which such bill of exchange or draft shall have been given, or to the said receiver general or his clerk, any bills, notes or drafts which may be protested for non-payment, except as hereinafter is mentioned, in which case the Commissioners of Her Majesty's Customs shall be immediately acquainted therewith, if sitting, by such solicitor, receiver general or comptroller general, or, if not sitting, at the time of their assembling; and such delivery shall be entered by the Bank in the book to be kept as herein directed.

XXII. That in order that the several payments directed by order of the Commissioners of Her Majesty's Customs to be made by the said receiver general to merchants or any other persons on account of drawbacks or bounties, or on any other account whatever, may be made without delay, and for the payment of which the money then in the hands of the said receiver general shall be insufficient, it shall be lawful for the said receiver general, or his clerk deputed and authorized by him for that purpose, and for whose conduct therein he shall be answerable, to draw out of the Bank of England, as occasion may require, such sum or sums of money as may be sufficient to answer the purpose aforesaid; and that every draft or order on the Bank for money for any of the said purposes shall be countersigned by the comptroller general, or his clerk to be deputed and authorized by him for that purpose, and for whose conduct therein he shall be answerable; and that the said receiver general shall from time to time account for the monies so to be drawn by him or his clerk out of the Bank.

And in order that separate accounts may be kept at the Exchequer of the monies paid in on various branches of the Customs pursuant to law;—

It is Enacted,

XXIII. That the said receiver general of the Customs shall, on every Monday morning, furnish the proper officers of the Exchequer with an appropriation paper, stating the heads under which the receipts of the preceding week are to be applied.

XXIV. That upon the death, resignation, or removal of the present and of every other receiver general of the Customs hereafter to be appointed, the balance of cash for which he shall at that time have credit on his account as such receiver general with the Governor and Company of the Bank of England shall, as soon as a successor shall be appointed to the said office, actually vest in such successor, and until such successor shall be appointed in such person or persons as shall for the time being be duly authorized to execute the duties of the said office, in trust for the service of the public, and be forthwith transferred, carried over, and placed to the account of such successor or other person or persons as aforesaid, to be applied to the said service in pursuance of the like drafts and orders as aforesaid.

XXV. That the receiver general of the Customs for the time being shall keep the account with the Bank of all monies issued by and paid to the Bank on his account for the service of the public; and the said receiver general, observing the rules and regulations hereby prescribed, shall not be answerable for any money, bills, notes, and drafts which he shall have so paid or caused to be paid into the Bank of England; and the Governor and Company of the Bank of England shall be answerable for all the monies, bills, notes, and drafts which shall be actually received by them from and on account of such receiver general as aforesaid, except such bills as may have been returned in manner aforesaid.

XXVI. That if any person or persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting, the name or handwriting of any receiver general of the Customs, or of any comptroller general of the Customs, or of any person acting for them respectively as aforesaid, to any draft, instrument, or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the Governor and Company of the Bank of England on account of the receiver general of the Customs, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any draft, instrument, or writing in form of a draft, made by such receiver general or person as aforesaid, or shall utter or publish any such, knowing the same to be forged or counterfeited, with an intention to defraud any person whomsoever, every such person or persons so offending, being thereof lawfully convicted, shall be and is and are hereby declared and adjudged to be guilty of felony, and shall be transported beyond the seas for life.

XXVII. That in all cases wherein proof on oath shall be required by any law, or for the satisfaction or consideration of the Commissioners of Her Majesty's Customs, in any matter relating to any business under their management, the same may be made before the collector or comptroller of the Customs at the port where such proof shall be required to be made, or before the persons acting for them respectively, and who are hereby authorized and empowered to administer the same.

XXVIII. That upon examinations and inquiries made by any Commissioners of her Majesty's Customs, or any one or more of them for the time being, or by any surveyor general of the Customs, or any inspector general of the Customs, for ascertaining the truth of facts relative to the Customs, or the conduct of officers or persons employed therein, and upon the like examinations and inquiries made by the collector and comptroller of any outport in the United Kingdom, or of any port in the Isle of Man, or made by any person or persons in any of the British possessions abroad, appointed by the Commissioners of Her Majesty's Customs to make such examinations and inquiries, any person examined before him or them as a witness shall deliver his testimony on oath, to be administered by such of the said Commissioners, surveyors general, or such of the inspectors general, or such collector or comptroller, or such person or persons as shall examine any such witness, and who are hereby authorized to administer such oath; and if any person shall be convicted of making a false oath touching any of the facts so testified on oath, or of giving false evidence on his examination on oath before any one or more of the said Commissioners, or any of the surveyors general or inspectors general of the Customs, or such collector and comptroller, or such person or persons, in conformity to the directions of this Act, every such person so convicted as aforesaid shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

xxix. That all manors, messuages, buildings, lands, tenements, and hereditaments which have heretofore been purchased, acquired, or taken for the use and service of Her Majesty's Customs, together with the rights, members, easements, and appurtenances to the same respectively belonging, (other than and except such messuages, lands, tenements, and hereditaments as may be of copyhold tenure,) shall be and become and remain and continue vested in the secretary for the time being to the Commissioners of Her Majesty's Customs, and his respective successors as secretaries in such service, according to the respective nature and quality of the said manors, messuages, buildings, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively, in trust for Her Majesty, her heirs and successors, for the use and service of Her Majesty's Customs in the said United Kingdom.

xxx. That all other manors, messuages, buildings, lands, tenements, and hereditaments (other than and except as aforesaid) which shall at any time or times hereafter be purchased for the use and service of Her Majesty's Customs, with the rights, members, easements, and appurtenances to the same respectively belonging, shall in like manner be and become and remain and continue vested in the secretary for the time being to the said Commissioners, and his successors as secretaries in such service, according to the respective nature and quality of the said manors, messuages, buildings, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively, in trust as aforesaid.

xxxi. That it shall and may be lawful for the said secretary for the time being, by and under the authority and direction of the said Commissioners (testified by writing under their hands and seals), to sell, exchange, or in any manner dispose of, or to let, set, or demise, as well any of the freehold and leasehold manors, messuages, buildings, lands, tenements, and hereditaments respectively which shall for the time being be vested in them respectively under and by virtue of this present Act, with their respective appurtenances, as also any of the copyhold messuages, buildings, lands, tenements, and hereditaments which shall have been surrendered to and vested in any person or persons, and his, her, or their heirs and assigns, in trust for Her said Majesty, or any of her predecessors, his, her, or their heirs or successors, for the use and service of Her Majesty's Customs in the said United Kingdom, or any of them, either by public auction or private contract; and as to the said freehold and leasehold manors, messuages, lands, tenements, and hereditaments, that it shall and may be lawful to and for the said secretary for the time being, and as to the said copyhold messuages, lands, tenements, and hereditaments, that it shall and may be lawful to and for the said person or persons in whom the same shall be vested as aforesaid, in due form of law, to convey, surrender, assign, make over, or to grant or demise the same respectively, or any of them, as the case may require, to any person or persons who shall be willing to purchase or take the same respectively, and also to carry into execution any contract or contracts already entered into for the sale of any such freehold, copyhold, or leasehold messuages, lands, tenements, or hereditaments as aforesaid, with such alterations or variations as the said Commissioners for the time being, or any two or more of them, shall by writing under their hands direct, and for that purpose to make and execute all such conveyances, assurances, and agreements as may be thought proper, and also to do any other act, matter, or thing in relation to any such manors, messuages, buildings, lands, tenements, and hereditaments which shall by the said Commissioners be deemed beneficial for the public service in relation thereto, or for the better management thereof, and which might be done by any person or persons, having a like interest in any such manors, messuages, lands, tenements, or hereditaments.

xxxii. That the monies to arise and be produced by sales or exchange of any of the said manors, messuages, lands, tenements, or hereditaments which shall be sold or exchanged, or conveyed under the provisions of this present Act, including the monies already paid by way of deposit for the purchase of any hereditaments already contracted to be sold, and the residue of the monies to be received in respect or on account of such contract, shall be paid by the respective purchaser or purchasers thereof, or the person or persons making such exchange, under the receiver general of Her Majesty's Customs for the time being, or to such person or persons as the said Commissioners for the time being, or any four or more of them, shall direct or appoint to receive the same, in trust for Her Majesty, her heirs, and successors, for the use and service of the said Customs; and that the receipt of the said receiver general, or such other person or persons as aforesaid, for such monies (such receipt to be indorsed on every such conveyance, surrender, or assignment as aforesaid), shall effectually discharge the purchaser or purchasers or person or persons by whom or on whose account the same shall be so paid.

xxxiii. That immediately from and after the payment of such purchase-money, and the execution of every such conveyance, surrender, and assignment as aforesaid, the purchaser or purchasers therein named shall be deemed and adjudged to stand seised and possessed of the manors, messuages, lands, tenements, and hereditaments which shall be so purchased by, and conveyed, surrendered, assigned, or made over to him, her or them respectively, freed and absolutely discharged of and from all and all manner of prior estates, leases, rights, titles, interests, charges, incumbrances, and demands whatsoever which can or may be had, made, or set up in, to, out of, or upon or in respect of the same manors, messuages, lands, tenements and hereditaments by any person or persons whomsoever, by, from, or under, or in trust for Her Majesty, her heirs and successors, on any account whatsoever, save and except such estates, leases, rights, titles, interests, charges, incumbrances, claims, and demands, if any, as in any such conveyance, surrender, or assignment shall be excepted.

xxxiv. That it shall be lawful for the said Commissioners of Her Majesty's Treasury for the time being, from time to time, by any writing under their hands, to authorize any person or persons to survey and mark out any lands, not exceeding one half acre at any one station, which are or may be wanted for the purposes of erecting and maintaining watch-houses, dwelling-houses, and other buildings requisite and necessary for the security and protection of the revenues of Customs and Excise, with all necessary ways unto and from the same or any or either of them, such lands being situated within half a mile of the sea shore or of the tideway of any navigable river, and to authorize any person or persons, by warrant as aforesaid, to treat and agree with the owner or owners of or any person or persons interested in any such lands, or any messuages, tenements, hereditaments, or premises which may be requisite and necessary as aforesaid, for the possession thereof for such time or term of years as the public service shall require.

xxxv. That it shall be lawful for all bodies politic or corporate, ecclesiastical or civil, and all feoffees or trustees for charitable or other public purposes, and for all tenants for life and tenants in tail, and for the husbands, guardians, trustees,

committees, curators, or attorneys of such of the owners or proprietors of or persons interested in any such lands, messuages, tenements, hereditaments, or premises required for such public service as shall be females covert, infants, lunatics, idiots, or persons beyond the seas or otherwise incapable of acting for themselves, to contract and agree with such person or persons authorized as aforesaid for the grant of any lease of such lands, messuages, tenements, hereditaments, or premises, either for any term of years certain therein, or for such periods as the public service shall require, and to demise or grant the same unto the said Commissioners of Her Majesty's Treasury, in trust for Her Majesty, her heirs and successors, accordingly; and all such leases and agreements shall be valid and effectual in law to all intents and purposes whatsoever.

XXXVI. That in case any such bodies or other persons hereby authorized to contract on behalf of themselves or others as aforesaid, or any other person or persons interested in any such lands so marked out, or in any messuages, tenements, hereditaments, or premises required as aforesaid, shall, for the space of fourteen days next after notice in writing subscribed by such person or persons authorized as aforesaid, shall have been given to the principal officer or officers of any such body, or to such other persons hereby authorized to contract on behalf of others, or interested themselves as aforesaid, or left at his, her, or their usual place of abode, refuse or decline to treat or agree, or by reason of absence shall be prevented from treating or agreeing with such person or persons authorized as aforesaid, or shall refuse to accept such annual rent or sum as shall be offered for the hire thereof, either for a time certain or for such period as the public service may require; and in case also it shall not be practicable to procure by voluntary bargain or sale any other land situate as aforesaid, or any messuages, tenements, hereditaments, or premises required, as aforesaid, and suited to the purpose for which such lands, messuages, tenements, hereditaments, or premises are required, then and in such case it shall be lawful for two or more Justices, or three or more deputy lieutenants (one of whom shall be a Justice of the Peace), or two or more deputy governors, for the county, riding, stewardry, city, or place wherein such lands, tenements, hereditaments, messuages, or premises shall be, to put Her Majesty's officers in possession of such lands, messuages, tenements, hereditaments, or premises, and for that purpose to issue a warrant under their hands and seals requiring possession to be delivered to such of Her Majesty's officers as shall be named in the said warrant; and it shall also be lawful for such person or persons so authorized as aforesaid to require the said Justices, deputy lieutenants, or deputy governors of such county, riding, stewardry, city, liberty, or place to issue their warrant to the sheriff or sheriffs of the county, riding, stewardry, city, or place wherein such lands, messuages, tenements, hereditaments, or premises shall be situate, to summon a jury; and every such sheriff or sheriffs is and are hereby authorized and required to summon and return a jury, properly qualified, of the number of twenty-four, and in manner required by the laws of England, Ireland, and Scotland respectively, who shall meet at some convenient time and place to be mentioned in such summons, out of whom a jury of twelve shall be drawn in such manner as juries for the trial of issues joined in Her Majesty's courts at Westminster and Dublin are drawn by law in England or Ireland respectively, and in such manner as juries are drawn by law for the trial of offences in Scotland, and in case a sufficient number shall not appear the sheriff or sheriffs shall choose others of the by-standers, or that can speedily be procured, being qualified as aforesaid; and the said jurymen may be challenged by the parties on either side, but not the array; and the said Justices, deputy lieutenants, or deputy governors respectively, on the application of the said persons so authorized or of any parties concerned, may and shall summon witnesses, and adjourn any such meeting, if jurymen or witnesses do not attend; and the jury, on hearing any witnesses and evidence that may be produced, shall on their oaths (which oaths, as also the oaths of such witnesses, the said Justices, deputy lieutenants, or deputy governors respectively are hereby empowered and required to administer), find the compensation to be paid for the possession or use of such lands, as the case may be.

XXXVII. Provided and enacted, That if the owner or owners of any lands, messuages, tenements, hereditaments, or premises so required, or any person or persons interested therein, shall at any time before the summoning of such jury as aforesaid give notice in writing of any other lands situate as aforesaid, and of any other messuages, tenements, hereditaments, or premises so required as aforesaid, and suited to the purpose for which such lands are required, and which the owner or owners thereof or persons interested therein are willing to treat and agree for, then and in such case the jury so to be summoned shall previously find the facts, whether the lands so indicated in such notice are situate within the distance aforesaid, and are suited to the purpose for which such lands, tenements, hereditaments, messuages, or premises may be required, and whether the owner or owners thereof or persons interested therein are willing to treat and agree for the same; and if they shall so find, the owner or owners of or persons interested in the lands so surveyed or marked out as aforesaid, or of the messuages, tenements, hereditaments, or premises so required, shall not be compellable by virtue of this Act to sell or dispose of the same: provided also, that where the owner or owners of or persons interested in any lands, messuages, tenements, hereditaments, or premises required by virtue of this Act to be given up for the purposes aforesaid shall prefer to sell the same outright, and shall be able to make a good title to the fee simple thereof, it shall be lawful for them to insist on so doing; and in such case the jury so summoned as aforesaid shall find the value of the fee simple of such lands, tenements, messuages, hereditaments, or premises, and the same shall be paid to the owner or owners thereof or persons interested therein in the manner directed by this Act.

XXXVIII. Provided and enacted, That if the said Commissioners of Her Majesty's Treasury, or any person interested therein, shall be dissatisfied with the verdict of any such jury, it shall be lawful for them or their attorneys in England and Ireland to apply to the Court of Exchequer at Westminster or Dublin respectively in the next term, and in Scotland to apply within fourteen days after the finding any such verdict to the Court of Session in Scotland in time of session, or Lord Ordinary on the hills in time of vacation, to suggest to the said Courts or Lord Ordinary respectively that they have reason to be dissatisfied with such verdict, and forthwith to give notice thereof to the said Commissioners or party (as the case may be); and thereupon in England and Ireland the proceedings that shall have been had, and the verdict of such jury, shall be returned into the said Courts of Exchequer respectively; and if it shall appear to the said Courts to be proper, a suggestion shall be entered in such proceedings as aforesaid, and a writ shall thereupon, by rule of such court, or order of any Judge of such court, be directed to the sheriff of such county where the lands shall lie, or the messuages, tenements, hereditaments, or premises shall lie, or, if the same shall lie or be in two counties, to the sheriff of either of such counties, to summon either a common or special jury, according to the application that shall have been made on that behalf, and as the Court or such Judge shall allow,



and who shall respectively be qualified according to law, to appear before the said Justice of Assize or Nisi Prius of that county at the next assizes or sittings of Nisi Prius if the same shall not happen sooner than twenty-one days after such suggestion, otherwise at the next succeeding assizes or sittings; and the compensation to be paid for the possession or use of such lands, messuages, tenements, hereditaments, or premises shall at such assizes or sittings be ascertained by such jury in like manner as any damages may be inquired of upon any inquisition or inquiry of damages by any jury before any Judge of Assize or Nisi Prius; and the verdict of such jury shall be returned to the said Courts of Exchequer and shall be final and conclusive; and in Scotland, if it shall appear proper to the said Court of Session or Lord Ordinary, upon such application so to do, the said Court or Lord Ordinary shall order and direct the sheriff of the county where such lands, messuages, tenements, hereditaments, or premises shall lie and be, or, if the same shall lie or be in two counties, the sheriff of either of such counties, to summon another jury in the manner in which juries are summoned in Scotland, properly qualified according to law, to appear before the Lords or Lord of Justiciary at the next circuit if the same shall not happen sooner than twenty-one days after such application, otherwise the next succeeding circuit; and the compensation as aforesaid for the land, messuages, tenements, hereditaments, and premises shall at such circuit be ascertained by a jury drawn from a jury summoned as aforesaid in such manner as juries are drawn in Scotland under the direction of the said Lords or Lord of Justiciary as aforesaid; and the verdict of such last-mentioned juries shall be final and conclusive, without being subject to review or challenge of any kind, unless the Court that shall have allowed such inquiry shall think fit, on any application made within four days after the commencement of the succeeding term, or session if in Scotland, to order any new trial in relation thereto.

xxxix. Provided and enacted, That it shall be lawful for any jury impanelled before any Justice of the Peace, magistrate, deputy lieutenant, or deputy governor, or before any Judge of Assize or Nisi Prius, to ascertain the compensation to be paid for any lands under this Act, and they are hereby required to ascertain and settle the proportion to be paid out of such compensation to any person or persons having any interest as lessees or tenants at will, or otherwise, in any such lands, and the proportion to be paid out of such compensation shall be returned on the verdict: Provided also, that where any such inquiry before any Judge of Assize or Nisi Prius, or Lords or Lord of Justiciary, shall be had on the application of any such lessee or tenant at will, or other person having any inferior interest in any such lands, messuages, tenements, hereditaments, or premises, who may have been dissatisfied with the proportion of compensation settled by the jury to be paid in respect of such interest, it shall not be lawful for the jury in any such case to alter the amount of the entire compensation awarded by any former verdict to be paid for such lands, messuages, tenements, hereditaments, or premises, but only the proportion thereof to be paid to the person or persons having separate interests therein; and it shall not be lawful for any jury, on any inquiry had before any Judge of Assize or Nisi Prius, or Lords or Lord of Justiciary, as to any compensation, on the application of the said Commissioners of Her Majesty's Treasury, in any case in which the whole compensation awarded by the former jury is confirmed by the jury on such inquiry, to alter the proportion that shall have been settled by any such former jury as to any separate interest in any such lands, tenements, messuages, hereditaments, or premises.

xl. Provided and enacted, That it shall be lawful for the Court or Judge or Lord Ordinary making any such rule or order to require that the party on whose application the same shall be made shall give such security as shall to such Court, Judge, or Lord Ordinary seem proper, for payment of costs under such circumstances as shall be specified in any rule or order made for that purpose.

xli. That in all cases where any lands shall be taken under the provisions of this Act for any term of years, or for such period only as the public service shall require, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any other person or persons so authorized as aforesaid, at any time before the possession of any lands which shall have been taken for the purposes aforesaid shall be delivered up to the owner or owners thereof, or other person or persons acting on his or their behalf, to take down and remove all such buildings or other erections which shall or may have been built or erected thereon for the public service, and to carry away the materials thereof, making such compensation to the owner or owners of such lands or other person or persons acting on his, her, or their behalf, for the damage or injury which may have been done thereto, as to the soil thereof, by the erection of any such buildings, or removing and carrying away the same, or otherwise, in consequence of the same having been occupied for the public service, as the said Commissioners of Her Majesty's Treasury, or such other person or persons authorized as aforesaid, shall think reasonable, and as shall be agreed upon in that behalf; and if such owner or owners, or other person or persons acting on his, her, or their behalf, shall not be willing to accept the compensation so offered, it shall be lawful for the said Commissioners of Her Majesty's Treasury, or other person or persons authorized as aforesaid, to apply to and require two Justices of the Peace of the county, riding, stewartry, city, or place to settle and ascertain the compensation which ought to be made for such damage or injury as aforesaid; and such Justice shall settle and ascertain the same accordingly, and shall grant a certificate thereof; and the amount of such compensation, so settled and ascertained and certified, shall forthwith be paid by warrant of the Commissioners of Her Majesty's Treasury, or any three or more of them, to the person or persons entitled thereto: Provided always, that nothing in this Act shall extend or be construed to extend to alter, prejudice, or affect any agreement which hath been or shall or may be entered into by any such person or persons authorized as aforesaid with any owner or owners of any such lands, or other person or persons acting on his, her, or their behalf, in relation to any such buildings or erections, but every such agreement shall remain valid and effectual in like manner as if this Act had not passed.

xlil. That in all cases where any money shall have been or shall be agreed, or shall have been or shall be found by the verdict of any jury, to be paid or given for the use or possession of any lands, messuages, tenements, hereditaments, or premises taken by virtue of this Act, belonging to any person or persons under any disability or incapacity, or not having the absolute interest therein, the same shall be paid by warrant of the Commissioners of Her Majesty's Treasury, or any three of them into the hands of the proper officer of Her Majesty's Court of Exchequer at Westminster, Edinburgh, or Dublin respectively for the time being for receiving the monies belonging to the suitors of the said Court respectively, for the use and benefit of such person or persons; and such officer is hereby authorized and required to receive or accept and to give a discharge for such money, and upon the acceptance or receipt thereof to sign a certificate to the Barons or Judges of the said Courts or Exchequer respectively, under his hand, purporting and signifying that such money or other consideration was received of

accepted by and paid to him in pursuance of this Act, for the use and benefit of such person or persons who shall be named and described in such certificate; and the said certificate shall be filed or deposited in the said Court of Exchequer at Westminster, Edinburgh, or Dublin respectively, and a true copy thereof, signed by such officer of such court, shall and may be read and allowed as evidence for the purposes hereinafter mentioned; and such officer of such court is hereby required, upon receipt of any such sum or sums of money as aforesaid, to pay the same into the Bank of England, or Bank of Scotland or Royal Bank of Scotland, or Bank of Ireland, as the case may require; and immediately upon the filing or depositing of such certificate, the said lands, messuages, tenements, hereditaments, or premises shall be vested in or to the use of Her Majesty, her heirs and successors.

XLIII. That the Barons or Judges of Her Majesty's Court of Exchequer at Westminster, and the Barons or Judges of Her Majesty's Court of Exchequer at Edinburgh or Dublin, for the time being respectively, or any two or more of them, shall be and they are hereby authorized and empowered in a summary way, upon motion or by petition for and on behalf of any person or persons interested in or entitled to the benefit of the money so paid to and received by the proper officer of the said courts respectively, or the interest or produce thereof, and upon reading the certificate directed to be signed by the said officer concerning the same as aforesaid, and receiving such further satisfaction as they shall think necessary, to make and pronounce such orders and directions for paying the said money, or any part of the same, or for placing out such part thereof as shall be principal in the public funds, or upon government or real securities, and for payment of the dividends or interest thereof, or any part thereof, to the respective persons entitled to receive the same, or for laying out the principal, or any part thereof, in the purchase of other lands, to be conveyed and settled to, for, and upon the same uses, trusts, intents, and purposes as the said lands so taken stood settled at the time of the payment of such money as aforesaid, as near as the same can be done, or otherwise concerning the disposing of the said money, or any part thereof, and the interest of the same or any part thereof, for the benefit of the person or persons respectively, or for appointing any person or persons to be trustee or trustees for all or any of such purposes, as the said courts respectively shall think just and reasonable.

XLIV. That upon the death, removal, or resignation of any such officer of the said Courts of Exchequer all stocks and securities vested in him by virtue of this Act shall vest in the succeeding officer of the Exchequer, for the purposes hereinbefore mentioned, without any assignment or transfer; and all monies paid in the said banks respectively in pursuance of this Act, or remaining in the hands of any such officer at his death, resignation, or removal, and not vested in the funds or placed out on securities as aforesaid, shall be paid over to the succeeding officer for the like purpose for the time being.

XLV. Provided and enacted, That nothing in this Act contained shall be construed to extend to any garden or pleasure ground, or to any land immediately contiguous to and used as the curtilage or homestead of any dwelling house.

XLVI. That every order, document, instrument, or writing relating to the Customs or to the law of navigation, required by any law at any time in force to be under the hands of the Commissioners of Her Majesty's Treasury, being signed by three or more of such Commissioners, shall be deemed to be an order, document, instrument, or writing under the hands of the Commissioners of Her Majesty's Treasury accordingly.

XLVII. That this Act shall be registered in the Royal Court of the Island of Jersey, and that the said royal court shall have full power and authority and is hereby required to register the same.

XLVIII. That this Act may be altered, varied, or repealed by any Act to be passed in the present session of Parliament.

## CAP. LXXXVI.

### AN ACT for the General Regulation of the Customs.

(4th August 1845.)

#### ABSTRACT OF THE ENACTMENTS.

INWARDS. — General Provision.	{	1. <i>Commencement of Act.</i>
		2. <i>No goods to be landed nor bulk broken before report and entry.—Times and places of landing and care of officers.—Goods not reported or entered to be forfeited.—If bulk illegally broken, master to forfeit 100l.—Certain articles may be landed without entry.</i>
Manifest.	{	3. <i>All British ships to have manifests.—Particulars of manifest.</i>
		4. <i>Manifest to be produced to officers in Colonies.</i>
Report.	{	5. <i>Manifest if wanting, or if goods missing, master to forfeit 100l.</i>
		6. <i>Manifest to be produced within four leagues; and copies delivered to officers, who shall transmit copies to port of destination.—Master not producing, to forfeit 100l.</i>
		7. <i>Master within twenty-four hours and before breaking bulk shall report.—Particulars of report.—Penalty on failure, 100l.</i>
		8. <i>Bond to maintain Africans.</i>
		9. <i>Packages reported "contents unknown" may be opened and examined.</i>
		10. <i>Master to deliver manifest; and, if required, bill of lading or copy; and answer questions as to voyage; on failure, to forfeit 100l.</i>

Report.

Entry.

11. *Part of cargo reported for another port.*
12. *Ship to come quickly to place of unloading, and bring to at stations for boarding officers.—Moor-  
ing places for tobacco ships.*
13. *Goods unshipped from the importing vessel, or landed contrary to the regulations of the Commissioners  
of Customs, forfeited.—Penalty on persons concerned.*
14. *Officers to board ships; to have free access to all parts; may seal or secure goods, and open locks.—  
Goods concealed, forfeited.—If seal, &c. broken, master to forfeit 100l.*
15. *Commissioned ships, British or foreign, having goods on board, person in charge to deliver an account,  
or forfeit 100l.—Such ships liable to search.*
16. *After fourteen days, officer may land goods not entered, and certain goods before fourteen days.—  
Duties and charges not paid in three months, goods may be sold.*
17. *Where goods remain on board a vessel beyond the time allowed by law, the vessel and goods may be  
detained until the expense of guarding the goods is paid.*
18. *Bill of entry to be delivered.—Duplicates.—Bill of entry signed shall be the warrant.*
19. *Unauthorized persons not to be permitted to make entries.—Proviso.*
20. *Not valid unless agreeing with manifest, report, and other documents; and description of goods.—  
Goods not properly entered forfeited.*
21. *Goods by number, measure, or weight.—Goods ad valorem.—Declaration of value.—Penalty on persons  
not authorized.—Form of declaration.*
22. *If goods undervalued officers may detain them.—Valuation and ten per cent. to be paid to importer.  
—Goods to be sold for the benefit of the Crown.*
23. *Value of goods entered inwards to be stated in the entry, and attested by the importer.*
24. *Bill of sight if goods be not known.—Importer to examine, and make perfect entry in three days;*
25. *Or goods to be taken to Queen's warehouse; and in one month may be sold.*
26. *Where goods are entered by bill of sight a deposit equal in amount to the duties is to be made.*
27. *Case in which no part of the goods in a package shall be delivered without perfect entry of the whole.*
28. *Importer or agent to indorse the bill of sight with particulars of the goods, and sign the name.*
29. *Goods landed by bill of sight fraudulently concealed to be forfeited.*
30. *If goods damaged on voyage, an abatement of duties to be allowed.—When claim to be made.*
31. *Officers to examine damage, and state proportion, or choose two merchants to assess damage.*
32. *No abatement for certain goods.*
33. *Returned goods; entered by bill of store, if property be not changed; if foreign goods, duties to be  
paid again; or goods may be warehoused.—Certain goods may not be returned for home use.  
Returned tobacco.*
34. *Bill of store may be issued by searcher.—Agent to declare name of his employer.—Consignee to declare  
who is proprietor.—Proprietor to declare to identity, and property unchanged; then entry by  
bill of store to be granted.—Goods, the property of persons resident abroad, may be entered by  
bill of store, if property not changed.*
35. *Surplus stores subject as goods; if not excessive, may be entered for private use, or be warehoused for  
the use of the ship.*
36. *Goods from possessions abroad.—Master to deliver certificate.*
37. *Power to the Lords of the Treasury to require certificates of production.—Goods imported without  
required certificates deemed foreign; and foreign goods imported from a British possession  
deemed to be imported from a foreign country.*
38. *Certificate of growth of sugar, coffee, cocoa, and spirits.—Master to declare to certificate.*
39. *Certificate of sugar from limits of East India Company's charter.—Master to declare to certificate.*
40. *East India sugar warehoused at the Cape of Good Hope, and imported from thence.*
41. *Certificate of wine, produce of Cape of Good Hope; master to declare to certificate.*
42. *Goods of Guernsey, Jersey, &c. duty-free; with exceptions.*
43. *Master to deliver certificate of produce, and declare to certificate.*
44. *Treasury may permit produce of colonial fisheries to be imported from Guernsey.*
45. *Vessels with stone from Guernsey, &c. not to be piloted.*
46. *Fish, British taking and curing, and lobsters, free of duty on importation.—Declaration of master.*
47. *Certificate of blubber, train oil, &c. British colonial taking.—Declaration of master and importer.*
48. *Before entry of blubber, &c. of British fishing, master and importer to make declaration of the same.*
49. *Importation direct.*
50. *Goods the property of the Crown sold after importation charged with duty.*
51. *Foreign goods derelict, &c. and droits of Admiralty, to be subject to same duties as on importation.*
52. *An abatement of duty to be made in respect of certain wrecked goods damaged; but no such abate-  
ment to be made in respect of the goods herein stated.*
53. *Persons having such goods in possession, without notice, &c. liable to a penalty of 100l.—Lord of  
manor or salvor may retain such goods on giving bond for payment of duties.*
54. *Goods reported to Customs as jetsam, &c., and not claimed within twelve months, to be deemed  
damned as droits of Admiralty.—In case of satisfactory claim.*
55. *Goods under Excise permit regulations.—Officers of Excise may attend delivery.*
56. *Commissioners of Customs may direct certain goods to be stamped.*
57. *Orders for stamping goods to be published.*
58. *Penalty on forging such stamps, 200l.*

59. Times and places for landing goods.
60. Goods to be unshipped, &c. at the expense of importer.
61. Foreign fish to be landed and entered under the directions of the Commissioners of Customs.
62. Timber to be piled at the expense of the importer, so as to enable the officer of Customs to measure it.
63. Prohibitions and restrictions, absolute or modified.—Forfeiture.
64. But goods may be warehoused for exportation only, although prohibited.—Exceptions.
65. Certain goods to be entered to be warehoused for exportation only.
66. Goods not to be shipped till entry of ship and entry of goods and cocket granted, nor till cleared; nor stores without victualling bill.—Proper times and places and officers.—Forfeiture.
- Ships to be cleared, or master to forfeit 100l.
- Victualling bill for stores.
- Master to deliver certificate of clearance of last voyage, and to make entry outwards.—Particulars of entry.—Penalty.—Stiffening order.
- of the entry to be delivered.—Particulars.—Payment of duties.—Cocket to be granted.—Person entering goods responsible for use of cocket.
- for drawback or bounty.—Duty goods.—Goods under restriction.
- of entry for drawback, or from warehouse.
- back on tobacco not properly manufactured; and penalty on persons fraudulently attempting obtain drawback.
- entitled to drawback if of less value than claimed.—Penalty for entry of such goods.
- wards of goods entitled to drawback, bond for due exporting shall be given.
- bond reduced.
- nd to British possessions.
- ndorsed on cocket.—Marks and numbers, and total quantities.—Bounty, drawback, ds, or goods under particular conditions.—Goods not cleared forfeited.
- et.—Shipping bill: order of searcher for shipment.
- nise may be exported without landing.
- ports to be delivered to the searcher.
- ck.—Notice to officer of Excise.—Excise order to searcher.—Shipment certified.
- tend examination.
- rr drawback, &c. brought for shipment.
- kage; but if correct, must repack.
- archer.—Particulars.—Cockets to be delivered by shippers to searcher to
- master to declare to content.—Clearance notified on content, on file, and on victual-  
ling bill, and in book.
87. File of cockets and victualling bill delivered to master as the clearances.
88. In ballast.—Master to answer questions.—Clearance notified on victualling bill and in book.
89. Slate and slates and chalk to be deemed ballast.
90. Part of former cargo reported for exportation.—Copy of report to be the clearance.
91. If any passengers, master may enter baggage in his name.—Ship with baggage only deemed to be in ballast.
92. In ballast, master may enter goods for private use of self and crew.—Privilege; 20l. master, 10l. mate, 5l. crew.—Master to clear the goods.—Ship to be deemed in ballast.
93. Officers may board any ship after clearance.—Goods on board, and not in cocket, 20l. penalty.—Cocket falsified, 100l. penalty.
94. Ships to bring to at stations.
95. Entry in name of real owner, or of the commission merchant.
96. Declaration as to exportation, and to property, and right to drawback or bounty.—If drawback, &c. be not purchased, name of person entitled to be declared.
97. Agent may pass entry and receive drawback, and make the declaration, and answer questions for owner not resident.—Joint stock company.
98. Property of persons abroad consigned here to an agent, and exported by him on account of owner.
99. Shipment within three years, and payment within two years.
100. Issuing and passing debenture.
101. Certificate of landing in Isle of Man.
102. Licensed lighterman only to ship debenture or warehoused goods.—Commissioners may grant licence, and require bond.—Licences in force.
103. Warehouse or debenture goods not exported, or if re-landed, or carried to Guernsey, &c. without entry, forfeited.
104. Drawback of duties on wine allowed for officers in the navy.
105. Person entering such wine for drawback to declare the name and rank of officer claiming the same.
106. Officers leaving the service, &c., such wine permitted to be transferred to others.
107. Purser of Her Majesty's ships of war may ship tobacco for use of crew, free of duty on giving bond.
108. Purser removed from one ship to another may tranship tobacco, with permission of collector.
109. Limiting the quantity of tobacco.
110. Times and places for shipping goods.
111. Penalty for exporting prohibited goods.
112. Prohibitions and restrictions absolute or modified.—Forfeiture.

Clearance of Ship.

Debenture Goods.

Prohibitions.

COASTWISE.  
—  
General Provisions.

Construction in general.

General Regulations.

Licensed Agents.

113. *All trade by sea from one part of the United Kingdom to another, or to the Isle of Man, to be deemed coastwise, and no part to be deemed beyond the seas.—Proviso for dutiable goods carried into the Isle of Man.*
114. *Lords of Treasury to regulate what shall be deemed trading by sea under this Act.*
115. *Coasting ship confined to coasting voyage.*
116. *Before goods be laden or unladen, notice of intention or of arrival to be given, and proper documents to issue.*
117. *Particulars in notice: within twenty-four hours of arrival for unloading; for lading, to state last voyage and clearance.*
118. *From and to Ireland with certain goods, the master must attend to deliver notice, &c.—Penalty.*
119. *After notice given of lading goods on board coasting ships, collector may grant a general sufferance.—Bond for certain goods.*
120. *Master of coasting vessel to keep a cargo book.—Penalty for false entries in such book.*
121. *Accounts of foreign goods and of goods subject to coast duty, to be delivered to collector.*
122. *Transits to be delivered to collector before goods unladen.—Excise duties.*
123. *Collector, in certain cases, may grant general transits for coasting vessels.—Commissioners of Customs may grant general transits.*
124. *Coast-waiter, landing-waiter, or searcher may go on board and examine any coasting ship.*
125. *Times and places for landing and shipping.*
126. *Goods prohibited or restrained.*
127. *Terms used in Act—"ship;" "master;" "owner or owners;" "mate;" "seaman;" "British possession;" "Her Majesty;" "limits of East India Company's charter;" "collector and comptroller;" "officer;" "warehouse;" "Queen's warehouse."*
128. *Malta deemed to be in Europe.*
129. *Weights, measures, &c.*
130. *Collector to take bonds in respect of goods relating to the Customs.*
131. *Bonds entered into with the concurrence of the Lords of the Treasury or the Commissioners of the Customs for the due performance of anything relating to the Customs to be valid in law.*
132. *Mode of ascertaining strength of foreign spirits.*
133. *Vinegar or acetous acid to be charged with duty according to strength.*
134. *Spirits, although mixed, to pay duties as such.*
135. *Officers of Customs to take samples of goods.*
136. *Time of an importation and of an exportation defined.—Arrival and departure of a ship defined.*
137. *Return of duty overpaid.*
138. *Tonnage or burden of ships, how ascertained.*
139. *Ships, when not liable to tonnage rate under 4 & 5 Will. 4. c. 32.*
140. *Officers may refuse master of British ship unless indorsed on register.*
141. *Falsifying documents.*
142. *Authority of an agent may be required.*
143. *False declaration.—Penalty.*
144. *Printed lists of prohibited books to be exposed at Custom houses.*
145. *So much of 9 Geo. 4. c. 93. as provides for taking the prices of sugar the produce of British possessions in America, &c., to apply to sugar the produce of British possessions within the limits of the East India Company's charter.*
146. *Seizures.—Ship to include tackle, &c.*
147. *Restoration of seized goods, ships, &c.*
148. *Remission of forfeitures and penalties by commissioners, on proof of innocence of owners and master.*
149. *Ships not bringing to at stations, masters to forfeit 100*l*.*
150. *Officers may be stationed in ships in any port.—Accommodation of officers on board.*
151. *Power to charge rent in Queen's warehouse.*
152. *Power to sell goods not cleared from Queen's warehouse.*
153. *Power for Her Majesty to appoint ports and legal quays.*
154. *Averment of offence.*
155. *Commissioners may appoint sufferance wharfs.*
156. *No ships engaged in the carriage of letters to import or export goods.*
157. *Fitters certificates.*
158. *Persons entering or clearing ships, &c. as agents to be licensed, and give bond.—Exception.*
159. *Treasury may revoke licence.*
160. *Not to extend to clerks or servants of individuals.*
161. *Agent may appoint clerks to act for him only.*
162. *Treasury may extend regulations to other ports.*
163. *Alteration of Act.*

By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 52, whereby the laws of Customs in relation to the general regulation of the Customs were consolidated: And that since the passing of the said Act divers parts of Acts for the amendment of the law in

this respect have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Acts and parts of Acts should be consolidated into one Act:—

It is Enacted,

I. That from and after the passing of this Act the same shall come into and be and continue in full force and operation for the purposes mentioned therein, except where any other commencement is herein particularly directed.

And after reciting that it is expedient that the officers of Customs should have full cognizance of all ships coming into any port in the United Kingdom or in the Isle of Man, or approaching the coasts thereof, and of all goods on board or which may have been on board such ships, and also of all goods unladen from any ship in any port or place in the United Kingdom or in the Isle of Man;—

It is Enacted,

II. That no goods shall be unladen from any ship arriving from parts beyond the seas at any port or place in the United Kingdom or in the Isle of Man, nor shall bulk be broken after the arrival of such ship within four leagues of the coasts thereof respectively, before due report of such ship and due entry of such goods shall have been made, and warrant granted in manner hereinafter directed; and that no goods shall be so unladen, except at such times and places, and in such manner and by such persons, and under the care of such officers, as is and are hereinafter directed; and that all goods not duly reported or which shall be unladen contrary hereto, shall be forfeited; and if bulk be broken contrary hereto, the master of such ship shall forfeit the sum of 100*l.*; and if, after the arrival of any ship within four leagues of the coast of the United Kingdom or of the Isle of Man, any alteration be made in the stowage of the cargo of such ship, so as to facilitate the unloading of any part of such cargo, or if any part be staved, destroyed, or thrown overboard, or any package be opened, such ship shall be deemed to have broken bulk: Provided always, that the several articles hereinafter enumerated may be landed in the United Kingdom without report, entry, or warrant; (that is to say,) diamonds and bullion, fresh fish of British taking and imported in British ships, and lobsters, fresh, however taken or imported.

III. That no goods shall be imported into the United Kingdom or into the Isle of Man from parts beyond the seas in any British ship, unless the master shall have on board a manifest of such goods, made out and dated and signed by him at the place or respective places where the same, or the different parts of the same, was or were taken on board, and authenticated in the manner hereinafter provided; and every such manifest shall set forth the name and the tonnage of the ship, the name of the master and of the place to which the ship belongs, and of the place or places where the goods were taken on board respectively, and of the place or places for which they are destined respectively, and shall contain a particular account and description of all the packages on board, with the marks and numbers thereon, and of the sorts of goods and different kinds of each sort contained therein, to the best of the master's knowledge, and the general denomination of the contents of every package containing the following articles imported from any foreign place in Europe, namely, cambrics or lawns, leather gloves, manufactures of silk, tobacco, cigars, or snuff, and the particulars of such goods as are stowed loose, and the names of the respective shippers and consignees, as far as the same can be known to the master; and to such particular account shall be subjoined a general account or recapitulation of the total number of the packages of each sort, describing the same by their usual names, or by such descriptions as the same can best be known by, and the different goods therein, and also the total quantities of the different goods stowed loose; and that all such cambrics or lawns, leather gloves, manufactures of silk, tobacco, cigars, or snuff not so manifested shall be forfeited.

IV. That before any ship shall be cleared out or depart from any place in any of the British possessions abroad, with any goods for the United Kingdom or for the Isle of Man, the master of such ship shall produce the manifest to the collector or comptroller of the Customs, or other proper officer, who shall certify upon the same the date of the production thereof to him: Provided always, that in all places within the territorial possessions of the East India Company the collector of Sea Customs or other proper officer shall authenticate the manifest as aforesaid.

V. That if any goods shall be imported into the United Kingdom or into the Isle of Man in any British ship without such manifest, or if any goods contained in such manifest be not on board, the master of such ship shall forfeit the sum of 100*l.*

VI. That the master of every ship required to have a manifest on board shall produce such manifest to any officer of the Customs who shall come on board his ship after her arrival within four leagues of the coast of the United Kingdom or of the coast of the Isle of Man, and who shall demand the same, for his inspection; and such master shall also deliver to any such officer who shall be the first to demand it, a true copy of such manifest, signed by the master, and shall also deliver another copy to any other officer of the Customs who shall be the first to demand the same within the limits of the port to which such ship is bound; and thereupon such officers respectively shall notify on such manifest and on such copies the date of the production of such manifest and of the receipt of such copies, and shall transmit such copies to the collector and comptroller of the port to which such vessel is first bound, and shall return such manifest to the master; and if such master shall not in any case produce such manifest or deliver such copy he shall forfeit the sum of 100*l.*

VII. That the master of every ship arriving from parts beyond the seas at any port in the United Kingdom or in the Isle of Man, whether laden or in ballast, shall within twenty-four hours after such arrival, and before bulk be broken, make due report of such ship, and shall make and subscribe a declaration to the truth of the same before the collector or comptroller of such port; and such report shall contain an account of the particular marks, numbers, and contents of all the different packages or parcels of the goods on board such ship, and the particulars of such goods as are stowed loose, to the best of his knowledge, and the general denomination of the contents of every package containing the following articles imported from any foreign place in Europe, namely, cambrics or lawns, leather gloves, manufactures of silk, tobacco, cigars, or snuff, and of the place or places where such goods were respectively taken on board, and of the burden of such ship, and of the country where such ship was built, or if British of the port of registry, and of the country of the people to whom such ship belongs, and of the name and country of the person who was master during the voyage, and of the number of the people by whom such ship

was navigated, stating how many are subjects of the country to which such ship belongs, and how many are of some other country; and in such report it shall be further declared whether and in what cases such ship has broken bulk in the course of her voyage, and what part of the cargo, if any, is intended for importation at such port, and what part, if any, is intended for importation at another port in the United Kingdom or at another port in the Isle of Man respectively, and what part, if any, is prohibited to be imported except to be warehoused for exportation only, and what part, if any, is intended for exportation in such ship to parts beyond the seas, and what surplus stores or stock remain on board such ship, and if a British ship, what foreign-made sails or cordage, not being standing or running rigging, are in use on board such ship; and the master of any ship who shall fail to make such report, or who shall make a false report, shall forfeit the sum of 100*l*.

VIII. Provided and enacted, That the master of every vessel coming from the coast of Africa, and having taken on board at any place in Africa any person or persons being or appearing to be natives of Africa, shall, in addition to all other matters, state in the report of his vessel how many such persons have been taken on board by him in Africa; and any such master failing herein shall forfeit the sum of 100*l*.: Provided also, that the master or owner or owners of such vessel, or some or one of them at the time of making such report, be required to enter into bond to Her Majesty in the sum of 100*l*, conditioned to keep harmless any parish or any extra-parochial or other place maintaining its own poor against any expense which such parish or other place may be put to in supporting any such person during their stay in the United Kingdom; and any such master, owner or owners, refusing or neglecting to enter into such bond, shall forfeit the sum of 200*l*.

IX. That if the contents of any package so intended as aforesaid for exportation in the same ship to parts beyond the seas shall be reported by the master as being unknown to him, it shall be lawful for the officers of the Customs to open and examine such package on board, or to bring the same to the Queen's warehouse for that purpose; and if there be found in such package any goods which may not be entered for home use, such goods shall be forfeited, or if the goods be such as may be entered for home use, the same shall be chargeable with the duties of importation, unless in either case the Commissioners of Her Majesty's Customs, in consideration of the sort or quality of such goods, or the small rate of duty payable thereon, shall see fit to deliver the same for exportation.

X. That the master of every ship shall at the time of making such report deliver to the collector or comptroller the manifest of the cargo of such ship, where a manifest is required, and, if required by the collector or comptroller, shall produce to him any bill or bills of lading, or a true copy thereof, for any and every part of the cargo laden on board, and shall answer all such questions relating to the ship and cargo, and crew and voyage, as shall be put to him by such collector or comptroller; and in case of failure or refusal to produce such manifest, or to answer such questions, or to answer them truly, or to produce such bill of lading or copy, or if such manifest or bill of lading or copy shall be false, or if any bill of lading be uttered or produced by any master, and the goods expressed therein shall not have been *bond fide* shipped on board such ship, or if any bill of lading uttered or produced by any master shall not have been signed by him, or any such copy shall not have been received or made by him previously to his leaving the place where the goods expressed in such bill of lading or copy were shipped, then and in every such case such master shall forfeit the sum of 100*l*.

XI. That if any part of the cargo of any ship for which a manifest is required be reported for importation at some other port in the United Kingdom or at some other port in the Isle of Man respectively, the collector and comptroller of the port at which some part of the cargo has been delivered shall notify such delivery on the manifest, and return the same to the master of such ship.

XII. That every ship shall come as quickly up to the proper place of mooring or unloading as the nature of the port will admit, and without touching at any other place, and in proceeding to such place shall bring to at stations appointed by the Commissioners of Her Majesty's Customs for the boarding of ships by the officers of the Customs; and after arrival at such place of mooring or unloading such ship shall not remove from such place, except directly to some other proper place, and with the knowledge of the proper officer of the Customs, on penalty of 100*l*, to be paid by the master of such ship: Provide always, that it shall be lawful for the Commissioners of Her Majesty's Customs to appoint places to be the proper places for the mooring or unloading of ships importing tobacco, and where such ships only shall be moored or unladen; and in case of place so appointed for the unloading of such ships shall not be within some dock surrounded with walls, if any such ship after having been discharged, shall remain at such place, or if any ship not importing tobacco shall be moored at such place, the master shall in either case forfeit and pay the sum of 20*l*.

XIII. That no goods imported into the United Kingdom from parts beyond the seas shall be unshipped or carried from the importing vessel to any quay, wharf, or other place, previously to the examination thereof, except under such rules, regulations and restrictions as the Commissioners of Her Majesty's Customs may from time to time with the approbation of the Commissioners of Her Majesty's Treasury may direct and appoint; and all goods unshipped or carried contrary to such rules, regulations, or restrictions, or any of them, shall be forfeited, together with the craft or other means used for the conveyance of any such goods; and every person knowingly concerned in the unshipping or carrying of such goods, or to whose use and possession such goods shall knowingly come, contrary to such rules, regulations and restrictions, shall forfeit and pay a sum of 100*l*, or treble the value of such goods, at the election of the said Commissioners of Her Majesty's Customs.

XIV. That it shall be lawful for the proper officers of the Customs to board any ship arriving at any port in the United Kingdom or in the Isle of Man, and freely to stay on board until all the goods laden therein shall have been duly delivered from the same; and such officers shall have free access to every part of the ship, with power to fasten down hatchways, and to mark any goods before landing, and to lock up, seal, mark, or otherwise secure any goods on board such ship; and if at such place or any box or chest be locked, and the keys be withheld, such officers, if they be of a degree superior to tidewomen, watermen, may open any such place, box, or chest in the best manner in their power; and if they be tidewomen or watermen, or only of that degree, they shall send for their superior officer, who may open or cause to be opened any such place, box, or chest in the best manner in his power; and if any goods be found concealed on board any such ship they shall be forfeited; and if the officers shall place any lock, mark, or seal upon any goods on board, and such lock, mark, or seal be wilfully opened, altered, or broken before due delivery of such goods, or if any of such goods be secretly conveyed away, or the hatchways, after having been fastened down by the officer, be opened, the master of such ship shall forfeit the sum of 10

xv. Provided and enacted, That if any ship (having commission from Her Majesty or from any foreign prince or state) arriving as aforesaid at any port in the United Kingdom or in the Isle of Man shall have on board any goods laden in parts beyond the seas, the captain, master, purser, or other person having the charge of such ship or of such goods for that voyage shall, before any part of such goods be taken out of such ship, or when called upon so to do by any officer of the Customs, deliver an account in writing under his hand to the best of his knowledge of the quality and quantity of every package or parcel of such goods, and of the marks and numbers thereon, and of the names of the respective shippers and consignees of the same, and shall make and subscribe a declaration at the foot of such account declaring to the truth thereof, and shall also truly answer to the collector or comptroller such questions concerning such goods as shall be required of him, and on failure thereof such captain, master, purser, or other person shall forfeit the sum of 100*l.*; and all such ships shall be liable to such searches as merchant ships are liable to, and the officers of the Customs may freely enter and go on board all such ships, and bring from thence on shore into the Queen's warehouse any goods found on board any such ship as aforesaid, subject nevertheless to such regulations in respect of ships of war belonging to Her Majesty as shall from time to time be directed in that respect by the Commissioners of Her Majesty's Treasury.

xvi. That every importer of any goods shall, within fourteen days after the arrival of the ship importing the same, make perfect entry inwards of such goods, or entry by bill of sight in manner hereinafter provided, and shall within such time land the same; and in default of such entry and landing it shall be lawful for the officers of the Customs to convey such goods to the Queen's warehouse; and whenever the cargo of any ship shall have been discharged, with the exception only of a small quantity of goods, it shall be lawful for the officers of the Customs to convey such remaining goods and at any time to convey any small packages or parcels of goods to the Queen's warehouse, although such fourteen days shall not have expired, there to be kept waiting the due entry thereof during the remainder of such fourteen days; and if the duties due upon any goods so conveyed to the Queen's warehouse shall not be paid within three months after such fourteen days shall have expired, together with all charges of removal and warehouse rent, the same shall be sold, and the produce thereof shall be applied, first to the payment of freight and charges, next of duties, and the overplus (if any) shall be paid to the proprietor of the goods.

xvii. That whenever any officer of the Customs shall have been kept in charge of any goods beyond the time allowed by law for the same being entered and landed, it shall be lawful for such officer to detain the vessel in which such goods shall have been imported, provided the same are remaining on board the vessel, until the expenses so incurred shall have been paid to such person as the Commissioners of Her Majesty's Customs shall think fit to appoint to receive the same; and in all cases where the goods shall have been put out of the vessel the person or persons in whose names the same shall have been entered shall pay to the person so appointed as aforesaid all such expenses as may have been so incurred by such officer, and such goods shall and may be detained until such expenses shall have been paid, and if not paid within one month after demand made in writing of such person or persons by any officer of the Customs, the same shall and may be sold, and the proceeds shall be applied, first, to the payment of the freight and charges, next of the duties, next of the expenses of such officer, and of the charges attending the seizure and sale of such goods, and the overplus, if any, shall be paid to the proprietor of the goods.

xviii. That the person entering any goods inwards (whether for payment of duty, or to be warehoused upon the first perfect entry thereof, or for payment of duty upon the taking out of the warehouse, or whether such goods be free of duty,) shall deliver to the collector or comptroller a bill of the entry of such goods, fairly written, or fairly written in part and fairly printed in part, in words at length, expressing the name of the ship and of the master of the ship in which the goods were imported, and of the place from whence they were brought, and the description and situation of the warehouse, if they are to be warehoused, and the name of the person in whose name the goods are to be entered, and the quantity and description of the goods, and the number and denomination or description of the respective packages containing the goods, and in the margin of such bill shall delineate the respective marks and numbers of such packages, and shall pay down any duties which may be payable upon the goods mentioned in such entry; and such person shall also deliver at the same time two or more duplicates, as the case may require, of such bill, in which all sums and numbers may be expressed in figures; and the particulars to be contained in such bill shall be written, or partly written and partly printed, and arranged in such form and manner and the number of such duplicates shall be such as the collector and comptroller shall require; and such bill, being duly signed by the collector and comptroller, and transmitted to the landing waiter, shall be the warrant to him for the landing and delivering of such goods.

xix. That every person who shall make or cause to be made any such entry inwards of any goods, not being duly authorized thereto by the proprietor or consignee of such goods, shall for every such offence forfeit the sum of 100*l.*: Provided always, that no such penalty shall extend or be deemed to extend to any person acting under the directions of the several dock companies or other corporate bodies authorized by law to pass entries.

xx. That no entry, nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse, shall be deemed valid, unless the particulars of the goods and packages in such entry shall correspond with the particulars of the goods and packages purporting to be the same in the report of the ship, and in the manifest where a manifest is required, and a certificate or other document where any is required, by which the importation or entry of such goods is authorized, nor unless the goods shall have been properly described in such entry by the denominations and with the characters and circumstances, according to which such goods are charged with duty or may be imported, either to be used in the United Kingdom or to be warehoused for exportation only; and any goods taken or delivered out of any ship or out of any warehouse, or for the delivery of which, or for any order for the delivery of which, from any warehouse, demand shall have been made, not having been duly entered, shall be forfeited.

xxi. That if the goods in such entry be charged to pay duty according to the number, measure, or weight thereof, such number, measure, or weight shall be stated in the entry; and if the goods in such entry be charged to pay duty according to the value thereof, such value shall be stated in the entry, and shall be affirmed by the declaration of the importer or his known agent written upon the entry, and attested by his signature; and if the goods in such entry be chargeable, at the option of the Officers of Customs, either according to the number, measure, or weight thereof, or according to the value thereof, then as well such number, measure, or weight, as also such value, shall be in like manner stated in the entry and attested; and if any



person make such declaration, not being the importer or proprietor of such goods, nor his agent duly authorized by him, such person shall forfeit 100*l.*; and such declaration shall be made in manner and form following, and shall be binding upon the person by or on behalf of whom the same shall be made; (that is to say,)

'I A. B. of [Place of Abode], do hereby declare, That I am [the Importer, or authorized by the Importer,] of the Goods contained in this Entry, and that I enter the same [stating which, if Part only,] at the Sum of  
'Witness my Hand, the Day of A.B.'

XXII. That if upon the examination of any goods for duty it shall appear to the officers of the Customs that such goods are not valued according to the true value thereof, it shall be lawful for such officers to detain and secure such goods, and within seven days from the day on which such goods shall be finally examined for duty by the proper officer, if in any port in England, or within ten days from such last-mentioned day if in any port in Scotland, Ireland, or the Isle of Man, to take such goods for the use of the Crown; and if a different rate of duty shall be charged upon any goods according as the value of the same shall be described in the entry to be above or to be below any particular price or sum, and such goods shall be valued in the entry so as to be liable to the lower rate of duty, and it shall appear to the officers of the Customs that such goods, by reason of their real value, are properly liable to the higher rate of duty, it shall be lawful for such officers, in like manner, to take such goods for the use of the Crown; and the Commissioners of Her Majesty's Customs shall thereupon in any of such cases cause the amount of such valuation, together with an addition of 10*l.* per centum thereon, and also the duties paid upon such entry, to be paid to the importer or proprietor of such goods, in full satisfaction for the same, and shall dispose of such goods for the benefit of the Crown; and if the produce of such sale shall exceed the sums so paid, and all charges incurred by the Crown, one moiety of the overplus shall be given to the officer or officers who had detained and taken the goods, and the money retained for the benefit of the Crown shall be paid into the hands of the collector of the Customs, with the knowledge of the comptroller, and be carried to account as duties of Customs.

And after reciting that it is expedient that correct accounts may continue to be taken of the value of the imports of certain goods upon which duty has hitherto been charged according to the value thereof, but upon which goods the duties have been repeated;—

It is Enacted,

XXIII. That upon the entry inwards of any such goods the value thereof shall be stated in the entry, and shall be affirmed by the declaration of the importer or his known agent written upon the entry, and attested by his signature; and if such declaration be false the person signing the same shall forfeit a sum not exceeding 20*l.*; and it shall be lawful for the landing waiter or other officer appointed to examine such goods to call for the invoice, bills of parcels, and such other documents relating thereto as he may think necessary, for ascertaining the true value of the same.

XXIV. That if the importer of any goods, or his agent, after full conference with him, shall declare before the collector or comptroller that he cannot for want of full information make a full or perfect entry of such goods, and shall make and subscribe a declaration to the truth thereof, it shall be lawful for the collector and comptroller to receive an entry by bill of sight for the packages or parcels of such goods, by the best description which can be given, and to grant a warrant thereupon, in order that the same may be provisionally landed, and may be seen and examined by such importer in presence of the proper officers; and within three days after any goods shall have been so landed the importer shall make a full or perfect entry thereof, and shall either pay down all duties which shall be due and payable upon such goods, or shall duly warehouse the same, according to the purport of the full or perfect entry or entries so made for such goods, or for the several parts or sorts thereof: Provided always, that if, when full or perfect entry be at any time made for any goods provisionally landed as aforesaid by bill of sight, such entry shall not be made in manner herein required for the due landing of goods, such goods shall be deemed to be goods landed without due entry thereof, and shall be subject to the like forfeiture accordingly.

XXV. That in default of perfect entry within such three days such goods shall be taken to the Queen's warehouse by the officers of the Customs; and if the importer shall not within one month after such landing make perfect entry or entries of such goods, and pay the duties thereon, or on such parts as can be entered for home use, together with the charges of removal and of warehouse rent, such goods shall be sold for the payment of such duties (or for exportation, if they be such as cannot be entered for home use, or shall not be worth the duties and charges,) and for the payment of such charges, and the overplus, if any, shall be paid to the importer or proprietor thereof.

XXVI. That in all cases where an entry for landing or examining goods for duty shall be made by bill of sight the importer or his agent shall, before the same be granted, deposit with the proper officer of the Customs a sum of money sufficient in amount to cover the duties payable on the goods intended to be landed by such bill of sight, and shall make and subscribe a declaration that he has not any reason to believe that the duties on the goods will amount to more than the sum deposited.

XXVII. That if the sum deposited on a bill of sight shall not be equal in amount to the duties payable upon all the goods contained in any single package landed or examined thereby, no part shall be delivered until a perfect entry or entries is or are made for the whole of the goods contained in such package.

XXVIII. That before any goods in respect of which a bill of sight has been granted shall be delivered out of the custody of the proper officer of the Customs, the importer or his agent shall indorse upon the bill of sight granted for landing or examining the same a particular account thereof, to which he shall affix his signature and place of abode, with the date of making such indorsement; and such indorsement upon the bill of sight shall, upon being duly signed by the collector and comptroller become the perfect entry for such goods: Provided always, that nothing herein contained shall alter or affect any other of the regulations required by law in respect of bills of entry.

XXIX. That where any package or parcel shall have been landed by bill of sight, and any goods or other things shall be found in such package or parcel concealed in any way, or packed with intent to deceive the officers of Her Majesty's Customs

as well all such goods and other things as the package or parcel in which they are found, and all other things contained in such package or parcel, shall be forfeited.

XXX. That if any goods which are rated to pay duty according to the number, measure, or weight thereof, (except certain goods hereinafter mentioned,) shall receive damage during the voyage, an abatement of such duties shall be allowed in proportion to the damage so received, provided proof be made to the satisfaction of the Commissioners of Her Majesty's Customs, or of any officers of Customs acting therein under their directions, that such damage was received after the goods were shipped abroad in the ship importing the same, and before they were landed in the United Kingdom, and provided claim to such abatement of duties be made at the time of the first examination of such goods.

XXXI. That the officers of the Customs shall thereupon examine such goods with reference to such damage, and may state the proportion of damage which in their opinion such goods have so received, and may make a proportionate abatement of duties; but if the officers of Customs be incompetent to estimate such damage, or if the importer be not satisfied with the abatement made by them, the collector and comptroller shall choose two indifferent merchants experienced in the nature and value of such goods, who shall examine the same, and shall make and subscribe a declaration, stating in what proportion, according to their judgment, such goods are lessened in their value by reason of such damage, and thereupon the officers of Customs may make an abatement of the duties according to the proportion of damage so declared by such merchants.

XXXII. Provided and enacted, That no abatement of duties shall be made on account of any damage received by any of the sorts of goods hereinafter enumerated; (that is to say,)

Cantharides,	Jalap,	Rhubarb,
Cocoa,	Lemons,	Sarsaparilla,
Coculus Indicus,	Nux Vomica,	Senna,
Coffee,	Opium,	Sugar,
Currants,	Oranges,	Tea,
Figs,	Pepper,	Tobacco,
Guinea Grains,	Raisins,	Wine.
Ipecacuanha,		

XXXIII. That it shall be lawful to reimport into the United Kingdom from any place, in a ship of any country, any goods (except as hereinafter excepted) which shall have been legally exported from the United Kingdom, and to enter the same by bill of store, referring to the entry outwards, and exportation thereof, provided the property in such goods continue in the person by whom or on whose account the same have been exported, and that such reimportation take place within six years from the date of the exportation; and if the goods so returned be foreign goods, which had before been legally imported into the United Kingdom, the same duties shall be payable thereon as would at the time of such reimportation be payable on the like goods under the same circumstances of importation as those under which such goods had been originally imported, or such goods may be warehoused as the like goods might be warehoused upon a first importation thereof: Provided always, that the several sorts of goods enumerated or described in the table following shall not be reimported into the United Kingdom for home use upon the ground that the same had been legally exported from thence, but that the same shall be deemed to be foreign goods, whether originally such or not, and shall also be deemed to be imported for the first time into the United Kingdom; (that is to say,)

#### TABLE of GOODS above referred to.

Corn, grain, meal, flour, and malt:

Hops, tea:

Goods for which any bounty or any drawback of Excise had been received on exportation, unless by special permission of the Commissioners of Her Majesty's Customs, and on repayment of such bounty or such drawback:

Goods for which bill of store cannot be issued in manner hereinafter directed, except small remnants of British goods by special permission of the Commissioners of Her Majesty's Customs, upon proof to their satisfaction that the same are British, and had not been sold:

Provided also, that tobacco reimported by bill of store shall be subject to all the restrictions imposed by law upon tobacco imported into the United Kingdom, and shall be liable to forfeiture if imported contrary to such restrictions.

XXXIV. That the person in whose name any goods so re-imported were entered for exportation shall deliver to the searcher at the port of exportation an exact account, signed by him, of the particulars of such goods, referring to the entry and clearance outwards and to the return inwards of the same, with the marks and number of the packages, both inwards and outwards; and thereupon the searcher, finding that such goods had been legally exported, shall grant a bill of store for the same; and if the person in whose name such goods were entered for exportation was not the proprietor thereof, but his agent, he shall declare on such bill of store the name of the person by whom he was employed as such agent; and if the person to whom such returned goods are consigned shall not be such proprietor and exporter, he shall make and subscribe a declaration on such bill of store of the name of the person for whose use such goods have been consigned to him; and the real proprietor, if he be such, shall make and subscribe a declaration upon such bill of store, to the identity of the goods so exported and so returned, and that he was at the time of exportation and of re-importation the proprietor of such goods, and that the same had not during such time been sold or disposed of to any other person; and such declaration shall be made before the collector or comptroller at the ports of exportation and of importation respectively; and thereupon the collector or comptroller shall admit such goods to entry by bill of store, and grant their warrant accordingly: Provided always, that the real proprietor of any such goods shall be absent from the United Kingdom at the time of such re-importation, and such goods, if legally entitled to be entered by bill of store, shall be permitted to be so entered upon production of a declaration subscribed by such real proprietor, setting forth the identity of the goods so exported and so returned, and that he was at the time of exportation from the United Kingdom, and will be at the time of re-importation thereinto, the proprietor of

such goods, and that the same have not during such time been sold or disposed of to any other person, such declaration to be made before a British consul, vice-consul, or other British authority residing in or near the place of residence of such real proprietor, and upon such further proof of the identity of the goods as the Commissioners of Customs shall require, and upon compliance with all the other regulations required by law on the entry of goods by bill of store.

xxxv. That the surplus stores of every ship arriving from parts beyond the seas in the United Kingdom or in the Isle of Man shall be subject to the same duties, and the same prohibitions, restrictions and regulations as the like sorts of goods shall be subject to when imported by way of merchandise; but if it shall appear to the collector and comptroller that the quantity or description of such stores is not excessive or unsuitable, under all the circumstances of the voyage, it shall be lawful for them to permit such surplus stores to be entered for the private use of the master, purser, or owner of such ship, or of any passenger of such ship to whom any such surplus stores may belong, on payment of the proper duties, or to be warehoused for the future use of such ship, although the same could not be legally imported by way of merchandise.

xxxvi. That no goods shall be entered as being of or from any British possessions abroad (if any benefit attach to such distinction), except the territories subject to the government of the Presidencies of Fort William, in Bengal, Fort Saint George, and Bombay respectively, unless the master of the ship importing the same shall have delivered to the collector or comptroller a certificate, under the hand of the proper officer of the place where such goods were taken on board, of the due clearance of such ship from thence, containing an account of such goods.

xxxvii. That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, by any order under their hands, to declare that a certificate of production shall be required upon the exportation of any goods from any British possession abroad or other place, or upon the importation of such goods into the United Kingdom, and to frame such regulations respecting such certificates as they may think fit; and if any goods in respect of which such a certificate shall have been so required, or in respect of which a certificate of production, or any such certificate of clearance as aforesaid, shall be required by any law for the time being in force, shall be imported into the United Kingdom without such certificates respectively, the same shall be deemed and taken to be of foreign growth, produce, or manufacture; and all goods so deemed and taken to be of foreign growth, produce or manufacture, and all other goods whatsoever of the growth, produce or manufacture of foreign countries, which shall henceforth be imported into the United Kingdom from any British possession abroad, shall be deemed and taken, so far as respects liability to duties, to have been imported from a foreign country: Provided always, that all orders of the Commissioners of Her Majesty's Treasury made in pursuance hereof shall be duly published in the London and Dublin Gazettes three times at least within three months from the date of such orders respectively.

xxxviii. That before any sugar, coffee, cocoa or spirits shall be entered as being of the produce of some British possession in America, or the Island of Mauritius, the master of the ship importing the same shall deliver to the collector or comptroller a certificate, under the hand of the proper officer of the place where such goods were taken on board, testifying that proof had been made in manner required by law that such goods are of the produce of some British possession in America or of the Island of Mauritius, stating the name of the place where such goods were produced, and the quantity and quality of the goods, and the number and denomination of the packages containing the same, and the name of the ship in which they are laden, and of the master thereof; and such master shall also make and subscribe a declaration before the collector or comptroller, that such certificate was received by him at the place where such goods were taken on board, and that the goods so imported are the same as are mentioned therein.

xxxix. That before any sugar shall be entered as being the produce of any British possession within the limits of the East India Company's charter the master of the ship importing the same shall deliver to the collector or comptroller a certificate under the hand and seal of the proper officer at the place where such sugar was taken on board, testifying that a declaration in writing, the contents of which he believed to be true, had been made and signed before him by the shipper of such sugar that the same was really and *bona fide* the produce of such British possession; and such master shall also make and subscribe a declaration before the collector or comptroller, that such certificate was received by him at the place where such sugar was taken on board, and that the sugar so imported is the same as is mentioned therein.

xl. That if any sugar the produce of any British possession within the limits of the East India Company's charter shall have been imported into the Cape of Good Hope from the place of its production, accompanied by such a certificate of origin as would be sufficient for its admission in the United Kingdom at the rate of duty payable upon such sugar if imported direct from the place of its production, and shall have been warehoused at the Cape of Good Hope under the regulations there in force for the warehousing of goods, and shall have been exported from such warehouse accompanied by a certificate from the proper officer of the Customs at the Cape of Good Hope, setting forth the particulars of the importation, and of warehousing, and of the exportation of the same, and also setting forth the substance of the certificate of origin before mentioned, and if on the arrival in the United Kingdom of the ship importing such sugar the master of such ship shall deliver to the collector or comptroller at the port of importation such certificate from the officer of the Customs at the Cape of Good Hope, and shall make and subscribe a declaration before such collector or comptroller that such certificate was received by him at the Cape of Good Hope, and that the sugar so imported is the same as is mentioned therein, then such sugar shall be admitted at such port of importation in the United Kingdom at the same rate of duty as would be payable if the same had been imported direct from the place of its production.

xli. That before any wine shall be entered as being the produce of the Cape of Good Hope the master of the ship importing the same shall deliver to the collector or comptroller a certificate under the hand of the proper officer at the Cape of Good Hope, testifying that proof had been made in manner required by law that such wine is of the produce of the Cape of Good Hope or the dependencies thereof, stating the quantity and sort of such wine, and the number and denomination of the packages containing the same; and such master shall also make and subscribe a declaration before the collector or comptroller

troller, that such certificate was received by him at the Cape of Good Hope, and that the wine so imported is the same as is mentioned therein.

XLII. That any goods of the growth of the islands of Guernsey, Jersey, Alderney, Sark, or Man, and any goods manufactured in the said islands from materials of the growth of the said islands, or from materials not subject to duty in the United Kingdom, or from materials upon which the duty has been paid in the United Kingdom, and upon which no drawback has subsequently been granted, and any manufactures of linen or cotton made in and imported from the Isle of Man, may be imported into the United Kingdom from the said islands respectively, without payment of any duty; and that such goods shall not be deemed to be included in any charge of duties imposed by any Act hereafter to be made on the importation of goods generally from parts beyond the seas: Provided always, that such goods may nevertheless be charged with any proportion of such duties as shall fairly countervail any duties of Excise, or any coast duty, payable on the like goods the produce of the part of the United Kingdom into which they shall be imported, or payable upon any of the materials from which such goods are manufactured; provided also, that all goods manufactured in any of the said islands from any other materials than the materials aforesaid, except manufactures of linen and cotton made in and imported from the Isle of Man as aforesaid, shall be deemed and taken to be foreign goods.

XLIII. That before any goods shall be entered as being the produce of the said islands (if any benefit attach to such distinction) the master of the ship or vessel importing the same shall deliver to the collector or comptroller a certificate from the governor, lieutenant-governor, or commander-in-chief of the island from whence such goods were imported, that proof had been made, in manner required by law, that such goods were of the produce of such island, stating the quantity and quality of the goods, and the number and denomination of the packages containing the same; and such master shall also make and subscribe a declaration before the collector or comptroller, that such certificate was received by him at the place where such goods were taken on board, and that the goods so imported are the same as are mentioned therein.

XLIV. That it shall be lawful for the Commissioners of Her Majesty's Treasury, when and so long as they shall see fit, to permit any goods the produce of the British possessions or fisheries in North America, which shall have been legally imported into the islands of Guernsey or Jersey direct from such possessions, to be imported into the United Kingdom for home use direct from those islands, under such regulations as the said Commissioners shall direct, anything in the law of navigation to the contrary notwithstanding.

XLV. That no vessel arriving on the coast of England from Guernsey, Jersey, Alderney, Sark, or Man, wholly laden with stone the production thereof, shall be liable to be conducted or piloted by pilots appointed and licensed by the corporation of the Trinity House of Deptford Strond, any law, custom, or usage to the contrary notwithstanding.

XLVI. That fresh fish of every kind, of British taking and imported in British ships, and fresh lobsters, however taken or in whatever ship imported, and cured fish of every kind, of British taking and curing, imported in British ships, shall be imported free of all duties, and shall not be deemed to be included in any charge of duty imposed by any Act hereafter to be made on the importation of goods generally: Provided always, that before any cured fish shall be entered free of duty, as being of such taking and curing, the master of the ship importing the same shall make and subscribe a declaration before the collector or comptroller that such fish was actually caught and taken in British ships, and cured by the crews of such ships, or by Her Majesty's subjects.

XLVII. That before any blubber, train oil, spermaceti oil, head matter, or whale fins shall be entered as being the produce of fish or creatures living in the sea, taken and caught wholly by Her Majesty's subjects usually residing in some part of Her Majesty's dominions, and imported from some British possession, the master of the ship importing the same shall deliver to the collector or comptroller a certificate under the hand of the proper officer of such British possession where such goods are taken on board, (or if no such officer be residing there, then a certificate under the hands of two principal inhabitants of the place of shipment,) notifying that a declaration had been made before him or them by the shipper of such goods, that the same were the produce of fish or creatures living in the sea taken wholly by British vessels owned and navigated according to law; and such master shall also make and subscribe a declaration before the collector or comptroller that such certificate as received by him at the place where such goods were taken on board, and that the goods so imported are the same as mentioned therein; and the importer of such goods shall also make and subscribe a declaration before the collector or comptroller, at the time of entry, that to the best of his knowledge and belief the same were the produce of fish or creatures living in the sea taken wholly by British vessels in manner aforesaid.

XLVIII. That before any blubber, train oil, spermaceti oil, head matter, or whale fins, imported direct from the fishery shall be entered as being the produce of fish or creatures living in the sea taken and caught wholly by the crews of British ships cleared out from the United Kingdom, or from any British possession, the master of such ship importing such goods shall make and subscribe a declaration, and the importer of such goods (to the best of his knowledge and belief) shall make and subscribe a declaration that the same are the produce of fish or creatures living in the sea taken and caught wholly by the crew of such ship, or by the crew of some other British ship (naming the ship) cleared out from the United Kingdom or from any British possession (stating which of such possessions).

XLIX. That no goods shall be deemed to be imported from any particular place unless they be imported direct from such place, and shall have been there laden on board the importing ship, either as the first shipment of such goods, or after the goods shall have been actually landed at such place.

L. That all goods, wares, and merchandise the property of the Crown shall, in case of the sale thereof after importation into the United Kingdom, be liable to and be charged with such and the same duties of Customs as may be by law payable or charged on the like goods, wares, and merchandise not being the property of the Crown.

LI. That all foreign goods, derelict, jetsam, flotsam, and wreck brought or coming into the United Kingdom or into the Isle of Man, and all droits of Admiralty sold in the United Kingdom, shall at all times be subject to the same duties as goods of the like kind imported into the United Kingdom or the Isle of Man respectively are subject to: Provided always, that, if, for ascertaining the proper amount of duty so payable any question shall arise as to the origin of any such goods, the same shall be deemed to be of the growth, produce, or manufacture of such country or place as the Commissioners of Her Majesty's Customs shall, upon investigation by them, determine.

LII. That it shall be lawful for the Commissioners of Her Majesty's Customs, or for the officers of Customs acting under their directions, to inquire into and receive proof of the extent to which any such goods may have been damaged, and to make such abatement of the duties payable thereon as to them shall appear to bear a just proportion to the damage so ascertained: Provided always, that no such abatement shall be made in respect of any of the goods following; (that is to say,)

Cantharides,	Jalap,	Sarsaparilla,
Cocoa,	Lemons,	Senna,
Coculus Indicus,	Nux Vomica,	Spirits,
Coffee,	Opium,	Sugar,
Currants,	Oranges,	Tea,
Figs,	Pepper,	Tobacco, and
Guinea Grains,	Raisins,	Wine.
Ipecacuanha,	Rhubarb,	

LIII. That if any person shall have possession of any foreign goods, derelict, jetsam, flotsam, or wreck, either on land or within any port in the United Kingdom, and shall not give notice thereof to the proper officer of the Customs within twenty-four hours after such possession, or shall not on demand pay the duties due thereon, or deliver the same into the custody of the proper officer of the Customs, such person shall forfeit the sum of 100*l.*; and if any person shall remove or alter in quantity or quality any such goods, or shall open or alter any package containing any such goods, or shall cause any such act to be done, or assist therein, before such goods shall be deposited in a warehouse in the custody of an officer of the Customs, every such person shall forfeit the sum of 100*l.*; and in default of the payment of the duties on such goods within eighteen months from the time when the same were so deposited, the same may be sold in like manner and for the like purposes as goods imported may in such default be sold: Provided always, that any lord of the manor having by law just claim to such goods, or if there be no such lord of the manor, then the person having possession of the same, shall be at liberty to retain the same in his own custody, giving bond, with two sufficient sureties, to be approved by the proper officer of the Customs, in treble the value of such goods, for the payment of the duties thereon at the end of one year and one day, or to deliver such goods to the proper officer of the Customs in the same state and condition as the same were in at the time of taking possession thereof.

And after reciting that such goods, if not claimed by the owner within the period limited by law, belong of right to Her Majesty in her office of Admiralty, but by reason of the smallness of their value would, if prosecuted to condemnation in the High Court of Admiralty in England and Ireland respectively, be wholly unproductive;—

It is Enacted,

LIV. That whenever any such goods, whether picked up at sea or on the shore within the flow of the sea, shall be reported to the officers of the Customs, notice thereof shall be forthwith given by them, if in Great Britain or the Isle of Man, to the receiver general of droits of Admiralty, and if in Ireland to the Queen's proctor of Admiralty; and all such goods shall be placed at their disposal respectively, as the case may be, subject, however, to the payment of the duties with which they shall be respectively chargeable; and in case the rightful owner thereof shall prove his claim thereto to the satisfaction of the said receiver general or Queen's proctor as the case may be, within the period of twelve calendar months from the day on which they shall be so reported, such goods shall be restored to the owner on payment of the duties and necessary charges attending the care of the same, and a reasonable compensation to the amount of one-third of the net value (after abating the duties and charges aforesaid) to the salvors thereof; but if no such claim shall be established within the period aforesaid, then such goods shall be deemed and taken to be condemned to Her Majesty as droits of Admiralty, and may be sold by the said receiver general or Queen's proctor, without any process from the High Courts of Admiralty respectively, and the net proceeds thereof, after payment of duties, salvage, and other charges as aforesaid, shall be disposed of by them respectively, and carried to the credit of the Consolidated Fund, in like manner as droits of Admiralty are by an Act, 1 & 2 Will. 4. for the support of His Majesty's household, and the honour and dignity of the Crown, directed to be applied, anything in any Act or Acts contained, or any law, statute, or usage, to the contrary thereof notwithstanding.

And after reciting that it may be expedient to subject some sorts of goods imported into the United Kingdom to certain internal regulations and restraints after the full duties of Customs have been paid thereon, and to place such regulations and restraints under the management of the Commissioners of Excise:—

It is Enacted,

LV. That no goods which are subject to any regulations of Excise shall be taken or delivered out of the charge of the officers of Customs (although the same may have been duly entered with them, and the full duties due thereon may have been paid), until such goods shall also have been duly entered with the officers of Excise, and permit, where such permit is by law required, granted by them for delivery of the same, nor unless such permit shall correspond in all particulars with the warrant of the officers of the Customs: Provided always, that such entry shall not be received by the officers of the Excise, nor such permit granted by them until a certificate shall have been produced to them of the particulars of the goods, and of the warrant for the same, under the hand of the officers of the Customs who shall have the charge of the goods: Provided also, that upon any occasion it shall appear necessary it shall be lawful for the proper officers of Excise to attend the delivery of such goods by the officers of the Customs, and to require that such goods shall be delivered only in their presence; and it shall be

lawful for such officers of Excise to count, measure, gauge, or weigh any such goods, and fully to examine the same, and to proceed in all respects relating to such goods in such manner as they shall be authorized or required by any Act for the time being in force relating to the Excise.

And after reciting, that by the laws now in force certain articles subject to an inland duty of Excise are required to be stamped, to denote the payment of such duty; and to prevent fraud in the evasion of such duty it is expedient that foreign articles of a similar description, when imported into the United Kingdom, should be stamped with such mark or stamp as the Commissioners of Her Majesty's Customs may deem necessary, in order to distinguish the foreign from the British article:—

It is Enacted,

LVI. That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized, after any goods have been entered at the custom house, and before the same shall be discharged by the officers, and delivered into the custody of the importer or his agent, to mark or stamp such goods in such manner and form as they may deem fit and proper for the security of the revenue, and by such officer as they shall direct and appoint for that purpose.

LVII. That every order made by the said Commissioners of Her Majesty's Customs in respect of marking or stamping any goods shall be published in the *London Gazette* and *Dublin Gazette*.

LVIII. That if any person or persons shall at any time forge or counterfeit any mark or stamp to resemble any mark or stamp which shall be provided and used for the purposes of this Act, or shall forge or counterfeit the impression of any such mark or stamp, or shall sell or expose to sale, or have in his, her, or their custody or possession, any goods with a counterfeit mark or stamp, knowing the same to be counterfeit, or shall use or affix any such mark or stamp to any other goods required to be stamped as aforesaid other than that to which the same was originally affixed, all and every such offender or offenders, and his, her, or their aiders, abettors, and assistants, shall for every such offence forfeit and pay the sum of 200*l*.

LIX. That no goods whatever (except diamonds, bullion, fresh fish of British taking and imported in British ships, and lobsters,) shall be unshipped from any ship arriving from parts beyond the seas, or landed or put on shore, but only on days not being Sundays or holidays, and in the daytime, (that is to say,) from the first day of September until the last day of March between sunrise and sunset, and from the last day of March to the first day of September between the hours of seven of the clock in the morning and four of the clock in the afternoon; nor shall any goods, except as aforesaid, be so unshipped or landed unless in the presence or with the authority of the proper officer of the Customs; and such goods, except as aforesaid, shall be landed at one of the legal quays appointed for the landing of goods, or at some wharf, quay, or place appointed by the Commissioners of Her Majesty's Customs for the landing of goods by sufferance; and that no goods, except as aforesaid, after having been unshipped, shall be transhipped, or after having been put into any boat or craft to be landed shall be removed into any other boat or craft previously to their being duly landed, without the permission or authority of the proper officer of the Customs.

LX. That the unshipping, carrying, and landing of all goods, and the bringing of the same to the proper place after landing, or examination or for weighing, and the putting the same into the scales, and the taking of the same out of and from the scales after weighing, shall be performed by or at the expense of the importer.

LXI. That the times, places, and manner of landing foreign fish imported into the United Kingdom, and of reporting and entering the same, and of paying the duties due thereon, shall be subject to such regulations and directions as the Commissioners of Her Majesty's Customs shall from time to time make respecting the same; and that all foreign fish unladen from any vessel contrary to any such regulations and directions shall be forfeited.

LXII. That the importer or person entering timber or wood to be charged with duty by measurement shall, at his expense, erect pile, frame, or otherwise place the same in such manner as the Commissioners of Her Majesty's Customs may deem necessary to enable the officers to measure and take a true and correct account thereof; and that in all such cases, when the same is measured in bulk, the measurement shall be taken to the full extent of the pile, and that no allowance shall be made by the officers on account of the interstices arising out of such process of sorting, piling, framing, or placing: Provided always, that all battens, boards, deals, and planks exceeding twenty-one feet in length may be measured by the piece, and the account thereof taken separately.

LXIII. That the several sorts of goods enumerated or described in the table following, denominated "A Table of Prohibitions and Restrictions Inwards," shall either be absolutely prohibited to be imported into the United Kingdom, or shall be imported only under the restrictions mentioned in such table, according as the several sorts of such goods are respectively set forth therein; (that is to say,)

#### A TABLE OF PROHIBITIONS AND RESTRICTIONS INWARDS.

##### A LIST of GOODS absolutely PROHIBITED to be IMPORTED.

1. *ms*, ammunition, and utensils of war, by way of merchandise, except by licence from Her Majesty, for furnishing Her Majesty's public stores only.

2. Articles of foreign manufacture, and any packages of such articles, bearing any names, brands, or marks purporting to be the names, brands, or marks of manufacturers resident in the United Kingdom.

3. Books, wherein the copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, as to which the proprietor of such copyright or his agent shall have given to the Commissioners of Customs a notice in writing that such copyright subsists, such notice also stating when such copyright will expire.

Paper printed on in the English language.

Clocks and watches of any metal, impressed with any mark or stamp appearing to be or to represent any legal British assay, mark or stamp, or purporting by any mark or appearance to be of the manufacture of the United Kingdom, not having the name and place of abode of some foreign maker abroad visible and permanently engraved on the frame and also on the face, or not being in a complete state, with all the parts properly fixed in the case.

Coin; viz.

— False money or counterfeit sterling.

— Silver, of the realm, or any money purporting to be such, not being of the established standard in weight or fineness.

Goods from the Isle of Man, except such as be of the growth, produce, or manufacture thereof, or of the United Kingdom, and except corn, grain, meal, or flour.

Gunpowder, except by licence from Her Majesty, such licence to be granted for furnishing Her Majesty's stores only.

Malt.

Snuff-work.

Spirits from the Isle of Man.

Tobacco stalks stripped from the leaf, whether manufactured or not.

Tobacco stalk flour.

**LIST OF GOODS subject to certain RESTRICTIONS ON IMPORTATION:—**

Fish of foreign taking, and all train oil, blubber, spermaceti oil, head matter, skins, bones, and fins, the produce of fish or creatures living in the sea, except anchovies, eels, turbot, and lobsters, unless in vessels which shall have been cleared out regularly with such fish on board from some foreign port.

Goods of places within the limits of the East India Company's charter, unless into ports approved of by the Lords of the Treasury, and declared by Order in Council to be fit and proper for such importation.

Gloves of leather, unless in ships of sixty tons burden or upwards, and in packages each containing one hundred dozen pairs of such gloves at least.

Hides, skins, horns, or hoofs, or any other part of cattle or beast, Her Majesty may by Order in Council prohibit, in order to prevent any contagious distemper.

Parts of articles: viz.

— Any distinct or separate part of any article not accompanied by the other part or all the other parts of such article, so as to be complete and perfect, if such article be subject to duty according to the value thereof.

Silk; viz.

— Manufactures of silk, being the manufactures of Europe, unless into the ports of London, Liverpool, Hull, or Southampton, or ports appointed by the Commissioners of Her Majesty's Treasury, or into the port of Dublin direct from Bordeaux, or into the port of Dover direct from Calais or Boulogne, and unless in ships of sixty tons burden or upwards.

Spirits, not being perfumed or medicinal spirits, unless in ships of sixty tons burden at least.

— also unless in casks or other vessels capable of containing liquids, each of such casks or other vessels being of the size or content of twenty gallons at the least, or in glass bottles or stone bottles not exceeding the size of quart bottles, and being really part of the cargo of the ship in which the same are imported, and included in the manifest or other papers enumerating or descriptive of the cargo thereof.

Tea, unless from the Cape of Good Hope, or from places eastward of the same to the Straits of Magellan.

Tobacco and snuff; viz.

— unless in ships of one hundred and twenty tons burden or upwards.

— also unless in hogsheads, casks, chests, or cases containing three hundred pounds weight of tobacco or snuff each at least, not being separated or divided in any manner within the cask or package; except that tobacco of the dominions of the Turkish empire may be packed in inward bags or packages, or separated or divided in any manner, provided the outward package be a hogshead, cask, chest, or case containing at least three hundred pounds net weight of tobacco.

— Tobacco and snuff from the East Indies, unless in hogsheads, casks, chests, or cases each of which shall contain at least one hundred pounds net weight of tobacco or snuff.

— Cigars, unless in packages containing one hundred pounds weight of cigars at least.

— Tobacco the produce of Mexico, or the produce of South America or the islands of Saint Domingo or Cuba, imported direct from those places respectively, or from the warehouse in Jamaica, or some other British possession in America, unless in packages each containing at least eighty pounds net weight of such tobacco.

— Negrohead tobacco the produce of and imported from the United States of America in packages each containing at least one hundred and fifty pounds net weight of such tobacco.

— and unless into the ports of London, Liverpool, Bristol, Lancaster, Cowes, Falmouth, Whitehaven, Hull, Port Glasgow, Greenock, Glasgow, Aberdeen, Leith, Newcastle-upon-Tyne, Plymouth, Belfast, Cork, Drogheda, Dublin, Galway, Limerick, Londonderry, Newry, Sligo, Waterford, and Wexford;

— or into some other port or ports which may hereafter be appointed for such purpose by the Commissioners of Her Majesty's Treasury; such appointments in Great Britain being published in the *London Gazette*, and such appointments in Ireland being published in the *Dublin Gazette*;

— but any ship wholly laden with tobacco may come into the ports of Cowes or Falmouth to wait for orders, and there remain fourteen days, provided due report of such ship be made by the master with the collector or comptroller of such port.

And if any goods shall be imported or brought into the United Kingdom contrary to any of the provisions or restrictions mentioned in such table in respect of such goods, the same shall be forfeited.

**LXIV.** Provided and enacted, That any goods, of whatsoever sort, may be imported into the United Kingdom to be warehoused under the regulations of any Act in force for the time being for the warehousing of goods, without payment of duty at the time of the first entry thereof, or notwithstanding that such goods may be prohibited to be imported into the United Kingdom.

dom to be used therein, except the several sorts of goods enumerated or described in manner following; (that is to say,) goods prohibited on account of the package in which they are contained, or the tonnage of the ship in which they are laden; arms, ammunition, or utensils of war; gunpowder, infected hides, horns, hoofs, skins, or any other part of any cattle or beast; counterfeit coin or tokens; books, wherein the copyright will be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, as to which the proprietor of such copyright or his agent shall have given to the Commissioners of Her Majesty's Customs a notice in writing that such copyright subsists, such notice also stating when such copyright will expire; copies of prints first engraved, etched, drawn, or designed in the United Kingdom; copies of casts of sculptures or models first made in the United Kingdom; clocks or watches, being such as are prohibited to be imported for home use.

LXV. That if by reason of the sort of any goods, or of the place from whence or the country or navigation of the ship in which any goods have been imported, they be such or be so imported as that they may not be used in the United Kingdom, they shall not be entered except to be warehoused, and it shall be declared upon the entry of such goods that they are entered to be warehoused for exportation only.

And after reciting that it is expedient that the officers of Customs should have full cognizance of all ships departing from any port or place in the United Kingdom or in the Isle of Man for parts beyond the seas, and of all goods taken out of the United Kingdom or out of the Isle of Man; and it is therefore necessary to make regulations for the entering and clearing outwards of all such ships, and for the entering, clearing, and shipping of all such goods;—

It is Enacted,

LXVI. That no goods shall be shipped, or waterborne to be shipped, on board any ship in any port or place in the United Kingdom or in the Isle of Man, to be carried to parts beyond the seas, before due entry outwards of such ship and due entry of such goods shall have been made, and cocket granted, nor before such goods shall have been duly cleared for shipment in manner hereinafter directed; and that no stores shall be shipped for the use of any ship bound to parts beyond the seas, nor shall any goods be deemed or admitted to be such stores, except such as shall be borne upon the victualling bill duly granted for such ship; and that no goods shall be so shipped, or waterborne to be so shipped, except at such times and places, and in such manner, and by such persons, and under the care of such officers, as is and are hereinafter directed; and all goods and stores which shall be shipped, or be waterborne to be shipped, contrary hereto, shall be forfeited.

LXVII. That no ship on board of which any goods or stores shall have been shipped in any port in the United Kingdom or in the Isle of Man for parts beyond the seas shall depart from such port until such ship shall have been duly cleared outwards for her intended voyage in manner hereinafter directed, under forfeiture of the sum of 100*l.* by the master of such ship.

LXVIII. That the master of every ship which is to depart from any port in the United Kingdom or in the Isle of Man for parts beyond the seas shall, upon due application made by him, receive from the searcher a victualling bill for the shipment of such stores as he shall require, and as shall be allowed by the collector and comptroller, for the use of such ship, according to the voyage upon which she is about to depart; and that no articles taken on board any ship shall be deemed to be stores except such as shall be borne upon the victualling bill for the same.

LXIX. That the master of every ship in which any goods are to be exported from the United Kingdom or from the Isle of Man to parts beyond the seas shall, before any goods be taken on board, deliver to the collector or comptroller a certificate from the proper officer of the clearance inwards or coastwise of such ship of her last voyage, specifying what goods, if any, have been reported inwards for exportation, and shall also deliver to the collector or comptroller an account, signed by the master or his agent, of the entry outwards of such ship for her intended voyage, setting forth the name and tonnage of the ship, the name of the place to which she belongs if a British ship, or of the country if a foreign ship, the name of the master, and the name or names of the place or places for which she is bound, if any goods are to be shipped for the same, and the name of the place in each port at which she is to take in her lading for such voyage; and if such ship shall have commenced her lading at some other port, the master shall state the name of any port at which any goods have been laden, and shall produce a certificate from the searcher that the cockets for such goods have been delivered to him; and the particulars of such account shall be written and arranged in such form and manner as the collector and comptroller shall require; and such account shall be the entry outwards of such ship, and shall be entered in a book to be kept by the collector for the information of all parties interested; and if any goods be taken on board any ship before she shall have been entered outwards, the master shall forfeit the sum of 100*l.*: Provided always, that where it shall become necessary to lade any heavy goods on board any ship before the whole of the inward cargo is discharged, it shall be lawful for the collector and comptroller to issue a stiffening order for that purpose, previous to the entry outwards of the ship.

LXX. That the person entering outwards any goods to be exported to parts beyond the seas from any port in the United Kingdom or in the Isle of Man shall deliver to the collector or comptroller a bill of the entry thereof fairly written, or fairly written in part and fairly printed in part, in words at length, expressing the name of the ship and of the master, and of the place to which the goods are to be exported, and of the person in whose name the goods are to be entered, and the quantities and proper denominations or descriptions of the several sorts of goods, and shall pay down any duties which may be due upon the exportation of any such goods; and such person shall also deliver at the same time one or more duplicates of such bill, in which all sums and numbers may be expressed in figures; and the particulars to be contained in such bill shall be arranged in such form and manner, and the number of such duplicates shall be such as the collector and comptroller shall require; and thereupon the collector and comptroller shall cause a cocket to be written for such goods, making it known that such goods have been so entered; and every cocket shall be signed by such collector and comptroller, and be delivered to the person who shall have made such entry, and such person shall keep and be responsible for the proper use of the same.

LXXI. That if any drawback or bounty be allowable upon the exportation of any such goods, or any duty be payable thereon, or any exemption from duty claimed, or if any such goods be exportable only according to some particular rule or



regulation, or under some restriction or condition, or for some particular purpose or destination, such goods shall be entered and cleared for shipment by such denominations or descriptions as are used, mentioned, or referred to in the granting of such drawback or bounty, or in the levying of such duty, or granting such exemption, or in the directing of such rules, regulations, restrictions, conditions, purpose, or destination.

LXXII. That the person intending to enter outwards any foreign goods for drawback, at any other port than that at which the duties inwards on such goods had been paid, shall first deliver to the collector or comptroller of the port where the duties on such goods were paid two or more bills, as the case may require, of the particulars of the importation of such goods, and of the entry outwards intended to be made; and thereupon the collector and comptroller, finding such bills to agree with the entry inwards, shall write off such goods from the same, and shall issue a certificate of such entry, with such particulars thereof as shall be necessary for the computation of the drawback allowable on such goods, and setting forth in such certificate the destination of the goods, and the person in whose name they are to be entered for exportation, and also the name of such other port; and such certificate, together with two or more bills of the same, as the case may require, in which all sums and numbers may be expressed in figures, being delivered to the collector or comptroller of the port from which the goods are to be exported, shall be the entry outwards of such goods; and such collector and comptroller shall thereupon cause a cocket to be written and delivered for such goods, in manner hereinbefore directed.

LXXIII. That no drawback shall be allowed on any tobacco which shall not have been wholly manufactured from tobacco on which the full duty on importation shall have been paid, nor on any tobacco which shall be mixed with dirt or rubbish or any other ingredients; and every person who shall enter or ship, or cause to be entered or shipped, or produce or cause to be produced to any officer of Customs to be shipped, for exportation or for stores, any tobacco not entitled to drawback, with intent unduly to obtain any drawback thereon, or any greater drawback than he would otherwise be entitled to, shall, over and above all other penalties which he may thereby incur, forfeit treble the amount of the drawback sought to be obtained, or 200*l.*, at the election of the Commissioners of Customs; and all such tobacco shall be forfeited, and may be seized by any officer of Customs or Excise.

LXXIV. That no drawback shall be allowed upon the exportation of any goods entered for drawback or of stores which shall be of less value than the amount of the drawback claimed, and that all such goods so entered shall be forfeited, and that the person who caused such goods to be entered shall forfeit the sum of 200*l.*, or treble the amount of the drawback claimed in such case, at the election of the Commissioners of Her Majesty's Customs.

LXXV. That upon the entry outwards of any goods, except wine, upon which a drawback of the duties paid upon the importation thereof is allowed, and before cocket is granted, the person in whose name the same are entered shall give security by bond in double the amount of such duties, with one sufficient surety, that such goods shall be duly shipped and exported to and shall be landed at the place for which they shall be entered outwards, or otherwise accounted for to the satisfaction of the Commissioners of Her Majesty's Customs, within a reasonable time, to be fixed by the said Commissioners with reference to the place of exportation.

LXXVI. That all bonds given to prevent the relanding of plate in respect of which any drawback shall be allowed upon the exportation thereof shall be liable only to the same duties of stamps as any bonds given for or in respect of the duties of Customs, or for preventing frauds or evasions thereof, are or shall be liable to under any Act for the time being in force for granting duties of stamps.

LXXVII. That no cocket shall be granted for the exportation of any coals to any British possession in a foreign ship until the exporter thereof shall have given security by bond in a penal sum of double the amount of the duty payable on the exportation of such coals, with condition that the same shall be landed at the place for which they shall be exported, or otherwise accounted for to the satisfaction of the Commissioners of the Customs, and also with condition to produce, within such time as the said Commissioners shall require, to be expressed in such bond, a certificate of the landing of such coals at such place, under the hand of the collector or comptroller or other proper officer at such place: Provided always, that the bond so to be given in respect of coals shall not be liable to any duty of stamps.

LXXVIII. That before any part of the goods for which any cocket shall have been granted shall be shipped, or waterborne to be shipped, the same shall be duly cleared for shipment with the searcher; the particulars of the goods for each clearance shall be indorsed on such cocket, together with the number and denomination or description of the respective packages containing the same; and in the margin of each such indorsement shall be delineated the respective marks and numbers of such packages; and to each such indorsement shall be subjoined in words at length, an account of the total quantities of each sort of goods intended in such indorsement, and the total number of each sort of package in which such goods are contained, distinguishing such goods, if any, as are to be cleared for any bounty or drawback of Excise or Customs, and also such goods, if any, as are subject to any duty on exportation, or entitled to any exemption from such duty, and also such goods, if any, as can only be exported by virtue of some particular order or authority, or under some particular restriction or condition, or for some particular purpose or destination; and all goods shipped, or waterborne to be shipped, not being duly cleared as aforesaid, shall be forfeited.

LXXIX. That the person clearing such goods for shipment shall upon each occasion produce the cocket so indorsed to the searcher, and shall also deliver a shipping bill, or copy of such indorsement, referring by names and date to the cocket upon which such indorsement is made, and shall obtain the order of the searcher for the shipment of such goods; and the particulars to be contained in such indorsement and in such shipping bill shall be written and arranged in such form and manner as the collector and comptroller shall require.

LXXX. That if any coals shall have been brought coastwise from one port of the United Kingdom to another, and the master shall be minded to proceed with such coals or any part of them to parts beyond the seas, it shall be lawful for such master to enter such ship and such coals outwards for the intended voyage without first landing the coals intended for exportation.

tion, provided the officers of the Customs shall be satisfied that the quantity of coals left on board does not exceed the quantity so entered outwards.

LXXXI. That upon the clearance for shipment of any goods the produce or manufacture of the United Kingdom an account containing an accurate specification of the quantity, quality, and value of such goods, together with a declaration to the truth of the same, signed by the exporter or his known agent, shall be delivered to the searcher by the person clearing such goods; and if such declaration be false the person signing the same shall forfeit the sum of 20*l*.; and that it shall be lawful for the searcher to call for the invoice, bills of parcels, and such other documents relating to the goods as he may think necessary for ascertaining the true value of the same: Provided always, that if such exporter or agent shall make and subscribe a declaration before the collector or comptroller, that the value of the goods cannot be ascertained in time for the shipment of the same, and such declaration shall be delivered to the searcher at the time of clearance, a further time of three months shall be allowed for the delivery of such separate shipping bill, on failure whereof such exporter or agent shall forfeit the sum of 20*l*.

LXXXII. That no drawback of Excise shall be allowed upon any goods so cleared unless the person intending to claim such drawback shall have given due notice to the officer of Excise, in form and manner required by any law in force relating to the Excise, and shall have obtained and have produced to the searcher at the time of clearing such goods a proper document under the hand of the officer of Excise, containing the necessary description of the goods for which such drawback is to be claimed; and if the goods to be cleared and shipped under the care of the searchers shall, upon examination, be found to correspond in all respects with the particulars of the goods contained in such document, and such goods shall be duly shipped and exported, the searcher shall, if required, certify such shipment upon such document, and shall transmit the same to the officer of Excise.

LXXXIII. That it shall be lawful for the officer of Excise, if he see fit, to attend and assist at such examination, and to mark or seal the packages, and to keep joint charge of the same, together with the searcher, until the same shall have been finally delivered by him into the sole charge of the searcher, to be shipped and exported under his care.

LXXXIV. That if any goods which are subject to any duty or restriction in respect of exportation, or if any goods which are to be shipped for any drawback or bounty shall be brought to any quay, wharf, or other place, to be shipped for exportation, and such goods shall not agree with the indorsement on the cocket, or with the shipping bill, the same shall be forfeited; and if any goods prohibited to be exported be found in any package brought as aforesaid, such package and every thing contained therein shall be forfeited.

LXXXV. That it shall be lawful for the searcher to open all packages, and fully to examine all goods shipped or brought for shipment at any place in the United Kingdom or in the Isle of Man; and if the goods so examined shall be found to correspond in all respects with the cocket and clearance purporting to be for the same, such goods shall be repacked at the charge of such searcher, who may be allowed such charge by the Commissioners of the Customs, if they shall see fit so to do.

LXXXVI. That before any ship shall be cleared outwards at any port in the United Kingdom or in the Isle of Man, for parts beyond the seas, with any goods shipped on board the same in such port, the master shall deliver a content of such ship to the searcher, setting forth the name and tonnage of such ship, and the place or places of her destination, and the name of the master, and also an account of the goods shipped on board, and of the packages containing such goods, and of the marks and numbers upon such packages, and a like account of the goods on board, if any, which had been reported inwards for exportation in such ship, so far as any of such particulars can be known by him; and also, before the clearance of such ship, the cockets, with the indorsements and clearances thereon for the goods shipped, shall be finally delivered by the respective shippers of such goods to the searcher, who shall file the same together, and shall attach with a seal a label to the file, shewing the number of cockets contained in the file, and shall compare the particulars of the goods in the cockets with the particulars of the goods in such content, and shall attest the correctness thereof by his signature on the label and on the content; and the master of the ship shall make and sign a declaration before the collector or comptroller to the truth of such content, and shall so answer to the collector or comptroller such questions concerning the ship, the cargo, and the intended voyage, as shall be demanded of him; and thereupon the collector or comptroller shall clear such ship for her intended voyage, and shall notify such clearance and the date thereof upon the content, and upon the label to the file of cockets, and upon the victualling bill, and also in the book of ships entries outwards, for the information of all parties interested, and shall transmit the content, and the cockets, and the victualling bill to the searcher; and the particulars to be contained in such content shall be written and framed in such form and manner as the collector and comptroller shall require.

LXXXVII. That the file of cockets and the victualling bill shall thereupon be delivered by the searcher to the master of such ship, at such station within the port and in such manner as shall be appointed by the Commissioners of Her Majesty's Customs for that purpose; and such file of cockets and victualling bill, so delivered, shall be kept by the master of such ship as authority for departing from the port with the several parcels and packages of goods and of stores on board, so far as they shall agree with the particulars in the indorsements on such cockets or with such victualling bill.

LXXXVIII. That if any ship is to depart in ballast from the United Kingdom or from the Isle of Man for parts beyond the seas, having no goods on board except the stores of such ship borne upon the victualling bill, or any goods reported inwards for exportation in such ship, the master of such ship shall, before her departure, answer to the collector or comptroller such questions touching her departure and destination as shall be demanded of him; and thereupon the collector or comptroller shall clear such ship in ballast, and shall notify such clearance and the date thereof on the victualling bill, and also in the book of ships entries outwards, for the information of all parties interested; and such victualling bill shall be kept by the master of such ship as the clearance of the same.

LXXXIX. That slate and slates and chalk laden on board any ship bound to foreign parts shall be deemed to be ballast; and at every such ship having on board slate and slates and chalk only, or either of them, shall be deemed to be a ship departing in ballast; and if on the return of any such ship any slate or slates or chalk shall be remaining on board, the same shall be deemed to be the ballast of such ship.

xc. That if there be on board any ship any goods of the inward cargo which were reported for exportation in the same, the master shall, before clearance outwards of such ship from any port in the United Kingdom or in the Isle of Man, deliver to the searcher a copy of the report inwards of such goods, certified by the collector and comptroller; and such copy, being found to correspond with the goods so remaining on board, shall be the authority to the searcher to pass such ship with such goods on board, and being signed by the searcher, and filed with the cockets, shall be the clearance of the ship for those goods.

xcI. That if any passengers are to depart in any ship from the United Kingdom or from the Isle of Man for parts beyond the seas, it shall be lawful for the master of such ship to pass an entry and to receive a cocket in his name for the necessary personal baggage of all such passengers, and duly to clear such baggage for shipment in their behalf, stating in such clearance the particulars of the packages and the names of the respective passengers; and if such ship is to take no other goods than the necessary personal baggage of passengers actually going the voyage, it shall be lawful for such master to enter such ship outwards in ballast for passengers only; and if no other goods than such baggage duly entered and cleared be taken on board such ship, the same shall be deemed to be a ship in ballast, notwithstanding such baggage, and shall be described in the clearance, on the content and on the label to the cocket or cockets, and on the victualling bill and in the book of ships entries, as a ship cleared in ballast, except as to the necessary personal baggage of passengers going the voyage.

xcII. That if the master and crew of any foreign ship which is to depart in ballast from the United Kingdom for parts beyond the seas shall be desirous to take on board chalk rubbish by way of ballast, or to take with them for their private use any small quantities of goods of British manufacture, it shall be lawful for such master, without entering such ship outwards, to pass an entry in his name, and receive a cocket free of any export duty for all such goods, under the general denomination of British manufactures not prohibited to be exported, being for the use and privilege of the master and crew, and not being of greater value than in the proportion of 20*l.* for the master, and 10*l.* for the mate, and 5*l.* for each of the crew, and stating that the ship is in ballast; and the master shall duly clear such goods for shipment on behalf of himself and crew, stating in such clearances the particulars of the goods and packages, and the names of the crew who shall jointly or severally take any of such goods under this privilege; and such ship shall be deemed to be a ship in ballast, and be cleared as such, and without a content, notwithstanding such goods or such cocket or cockets; and such clearance shall be notified by the collector or comptroller on the label to the cocket or cockets, and on the victualling bill, and in the book of ships entries, as a clearance in ballast, except as to the privilege of the master and crew.

xcIII. That it shall be lawful for the officers of the Customs to go on board any ship after clearance outwards, within the limits of any port in the United Kingdom or in the Isle of Man, or within four leagues of the coast thereof, and to demand the file of cockets and the victualling bill, and if there be any goods or stores on board not contained in the indorsements on the cockets nor in the victualling bill, such goods or stores shall be forfeited; and if any goods contained in such indorsements be not on board, the master shall forfeit the sum of 20*l.* for every package or parcel of goods contained in such indorsements and not on board; and if any cocket be at any time falsified, the person who shall have falsified the same, or who shall have wilfully used the same, shall forfeit the sum of 100*l.*

xcIV. That every ship departing from any port in the United Kingdom or in the Isle of Man shall bring to at such stations within the port as shall be appointed by the Commissioners of Her Majesty's Customs for the landing of officers from such ships, or for further examination previous to such departure.

xcV. That no drawback or bounty shall be allowed upon the exportation from the United Kingdom of any goods unless such goods shall have been entered in the name of the person who was the real owner thereof at the time of entry and shipping, or of the person who had actually purchased and shipped the same, in his own name and at his own liability and risk, on commission, according to the practice of merchants, and who was and shall have continued to be entitled in his own right to such drawback or bounty, except in the cases hereinafter provided for.

xcVI. That such owner or commission merchant shall make and subscribe a declaration upon the debenture that the goods mentioned therein have been actually exported, and have not been relanded, and are not intended to be relanded in any part of the United Kingdom, nor in the Isle of Man, (unless entered for the Isle of Man,) nor in the islands of Faro or Ferro, and that he was the real owner thereof at the time of entry and shipping, or that he had purchased and shipped the said goods in his own name and at his own liability and risk, on commission, as the case may be, and that he was and continued to be entitled to the drawback or bounty thereon in his own right: Provided always, that if such owner or merchant shall not have purchased the right to such drawback or bounty he shall declare under his hand upon the entry and upon the debenture that person who is entitled thereto, and the name of such person shall be stated in the cocket and in the debenture; and the receipt of such person on the debenture shall be the discharge for such drawback or bounty.

xcVII. That if such owner or merchant shall be resident in some part of the United Kingdom being more than twenty miles from the custom house of the port of shipment, he may appoint any person to be his agent to make and pass his entry, and to clear and ship his goods, and to receive for him the drawback or bounty payable on his debenture, if payable to him, provided the name of such agent and the residence of such owner or merchant be subjoined to the name of such owner or merchant in the entry and in the cocket for such goods; and such agent, being duly informed, shall make declaration upon the entry, if any be necessary, and also upon the debenture, in behalf of such owner or merchant, to the effect before required of such owner or merchant, and shall answer such questions touching his knowledge of the exportation of such goods and the property therein, and of the right to the drawback or bounty, as shall be demanded of him by the collector or comptroller; and if any such goods be exported by any corporation or company trading by a joint stock it shall be lawful for them to appoint any person to be their agent for the like purposes and with the like powers to act in their behalf.

xcVIII. That if any goods which are to be exported for drawback be the property of any person residing abroad, having been consigned by the owner thereof to some person as his agent residing in the United Kingdom, to be exported through the same to parts beyond the seas, by such agent, upon account of such owner, it shall be lawful for such person (being the consignee by whom and in whose name the duties inwards on such goods had been paid, or his legal representative), in like manner,

agent for such owner, to enter, clear, and ship such goods for him, and upon like conditions to receive for him the drawback payable thereon.

**XCIX.** That no drawback shall be allowed upon the exportation of any goods unless such goods be shipped within three years after the payment of the duties inwards thereon, and that no debenture for any drawback or bounty allowed upon the exportation of any goods shall be paid after the expiration of two years from the date of the shipment of such goods.

**c.** That for the purpose of computing and paying any drawback or bounty payable upon any goods duly entered, shipped, and exported, a debenture shall in due time after such entry be prepared by the collector and comptroller, certifying in the first instance the entry outwards of such goods; and so soon as the same shall have been duly exported, and a notice containing the particulars of the goods shall have been delivered by the exporter to the searcher, the shipment and exportation thereof shall be certified to the collector and comptroller, upon such debenture, by the searcher, and the debenture shall thereupon be computed and passed with all convenient despatch, and be delivered to the person entitled to receive the same.

**CI.** That no drawback or bounty shall be allowed for any goods carried by sea from the United Kingdom to the Isle of Man until a certificate shall be produced from the collector and comptroller of the Customs of the Isle of Man of the due landing of such goods.

**CII.** That no goods cleared for drawback or bounty, or from the warehouse, shall be carried or waterborne to be put on board any ship for exportation from the United Kingdom, by any person, unless such person shall be authorized for that purpose by licence under the hands of the Commissioners of Her Majesty's Customs; and that, before granting such licence, it shall be lawful for the said Commissioners to require such security by bond for the faithful and incorrupt conduct of such person as they shall deem necessary; and that after granting such licence it shall be lawful for the said Commissioners to revoke the same, if the person to whom the same shall have been granted shall be convicted of any offence against the laws relating to the Customs or Excise: Provided always, that all such licences which shall be in force at the time of the commencement of this Act shall continue in force as if the same had been afterwards granted under the authority of this Act.

**CIII.** That if any goods which have been taken from the warehouse to be exported from the same, or any goods which have been cleared to be exported for any drawback or bounty, shall not be duly exported to parts beyond the seas, or shall be reloaded in any part of the United Kingdom, (such goods not having been duly reloaded or discharged as short-shipped under the care of the proper officers,) or shall be landed in the islands of Faro or Ferro, or shall be carried to any of the islands of Guernsey, Jersey, Alderney, Sark, or Man, (not having been duly entered, cleared, and shipped, to be exported or carried directly to such islands,) the same shall be forfeited, together with the ship from or by which the same had been so reloaded, landed, or carried, and any other ship, vessel, boat, or craft which may have been used in so reloading, landing, or carrying such goods; and any person by whom or by whose orders or means such goods shall have been so taken or cleared, or so reloaded, landed, or carried, shall forfeit a sum equal to treble the value of such goods.

**CIV.** That a drawback of the whole of the duties of Customs shall be allowed for wine intended for the consumption of officers of Her Majesty's navy, on board such of Her Majesty's ships in actual service as they shall serve in, not exceeding the quantities of wine, in any one year, for the use of such officers, hereinafter respectively mentioned; (that is to say,)

For every	Admiral	Gallons.
—	Vice-admiral	1,260
—	Rear-admiral	1,050
—	Captain of the first and second rate	840
—	Captain of the third, fourth, and fifth rate	630
—	Captain of an inferior rate	420
—	Lieutenant and other commanding officer, and for every marine officer	210
—		105

Provided always, that such wine be shipped only at one of the ports hereinafter mentioned; (that is to say,) London, Liverpool, Rochester, Deal, Dover, Portsmouth, Plymouth, Yarmouth, Falmouth, Belfast, Dublin, Cork, Leith, or Glasgow.

**CV.** That the person entering such wine, and claiming the drawback for the same, shall state in the entry and declare on a debenture the name of the officer for whose use such wine is intended, and of the ship in which he serves; and such wine shall be delivered into the charge of the officers of the Customs at the port of shipment, to be secured in the Queen's warehouse until the same shall be shipped under their care; and such officers having certified upon the debenture the receipt of such wine into their charge, the debenture shall be computed and passed, and be delivered to the person entitled to receive the same.

**CVI.** That, if any such officer shall leave the service, or be removed to another ship, it shall be lawful for the officers of the Customs, at any of the ports before mentioned, to permit the transfer of any such wine from one officer to another, as part of a proportion, whether on board the same ship or another, or the transshipment from one ship to another for the same officer for the reloading and warehousing for future reshipment; and it shall also be lawful for the officers of Customs at any port to receive back the duties for any of such wine, and deliver the same for home use: Provided always, that if any of such wine be landed on board the ship for which the same was intended, or be unladen from such ship without permission of the proper officer of the Customs, the same shall be forfeited.

**CVII.** That it shall be lawful for the purser of any of Her Majesty's ships of war in actual service to enter and ship at the ports of Rochester, Portsmouth, or Plymouth, in the proportions hereinafter mentioned, any tobacco there warehoused in his name, or transferred into his name, for the use of the ship in which he shall serve, provided such purser shall deliver, to the collector or comptroller of such port a certificate from the captain of such ship, stating the name of the purser and the number of casks belonging to the ship, and shall also give bond, with one sufficient surety, in treble the duties payable on the tobacco, that no part thereof shall be reloaded in the United Kingdom without leave of the officers of the Customs, or be landed in any of the islands of Guernsey, Jersey, Alderney, Sark, or Man.

**CVIII.** That if any purser shall be removed from one ship to another it shall be lawful for the collector and comptroller of the port where such ships shall be to permit the transhipment of the remains of any such tobacco for the use of such other ship, upon due entry of such tobacco by such purser, setting forth the time when and the port at which such tobacco was first shipped; and if any such ship shall be paid off it shall be lawful for the collector and comptroller of any port where such ship shall be paid off to permit the remains of any such tobacco to be landed, and to be entered by the purser of such ship, either for payment of duties or to be warehoused for the term of six months, for the supply of some other such ship, in like manner as any tobacco may be warehoused and supplied at either of the ports before mentioned, or for payment of all duties within such six months: Provided always, that all tobacco warehoused for the purpose of so supplying Her Majesty's ships, of war shall be subject to the provisions of any Act in force relating to the warehousing of tobacco generally, as far as the same are applicable, and are not expressly altered by any of the provisions herein particularly made.

**CIX.** That no greater quantity of such tobacco shall be allowed to any ship of war than two pounds by the lunar month for each of the crew of such ship, nor shall any greater quantity be shipped at any one time than sufficient to serve the crew of such ship for six months after such rate of allowance; and the collector and comptroller of the port at or from which any such tobacco shall be supplied to any such ship, or landed from any such ship, or transferred from one such ship to another, shall transmit a particular account thereof to the Commissioners of Her Majesty's Customs, in order that a general account may be kept of all the quantities supplied to and consumed on board each of such ships under the allowances before granted.

**CX.** That no goods shall be put off from any wharf, quay, or other place, or shall be waterborne, in order to be exported but only on days not being Sundays or holidays, and in the daytime; (that is to say,) from the first day of September until the last day of March betwixt sun-rising and sun-setting, and from the last day of March until the first day of September between the hours of seven of the clock in the morning and four of the clock in the afternoon; nor shall any such goods be then put off or waterborne for exportation unless in the presence or with the authority of the proper officer of the Customs, nor except from a legal quay appointed by Her Majesty, or at some wharf, quay, or place appointed by the Commissioners of Her Majesty's Customs for shipping of such goods by sufferance.

**CXI.** That if any goods liable to forfeiture for being shipped for exportation shall be shipped and exported without discovery by the officers of the Customs, the person or persons who shall cause such goods to be exported shall forfeit double the value of such goods.

**CXII.** That the several sorts of goods enumerated or described in the table following (denominated "A Table of Prohibitions and Restrictions Outwards") shall be either absolutely prohibited to be exported from the United Kingdom, or shall be exported only under the restrictions mentioned in such table, according as the several sorts of such goods are respectively set forth therein; (that is to say,)

#### A TABLE OF PROHIBITIONS AND RESTRICTIONS OUTWARDS.

Clocks and watches; viz.

— any outward or inward box, case, or dial plate, if any metal, without the movement in or with every such box, case, or dial plate, made up fit for use, with the clock or watch maker's name engraven thereon.

Lace; viz.

— any metal inferior to silver which shall be spun, mixed, wrought, or set upon silk, or which shall be gilt, or drawn into wire, or flattened into plate, and spun or woven, or wrought into or upon, or mixed with lace, fringe, cord, embroidery, tambour work, or buttons, made in the gold or silver lace manufactory, or set upon silk, or made into bullion, spangles, or pearl, or any other materials made in the gold or silver lace manufactory, or which shall imitate or be meant to imitate such lace, fringe, cord, embroidery, tambour work, or buttons; nor shall any person export any copper, brass, or other metal which shall be silvered or drawn into wire, or flattened into plate, or made into bullion, spangles, or pearl, or any other materials used in the gold or silver lace manufactory, or in imitation of such lace, fringe, cord, embroidery, tambour work, or buttons, or of any of the materials used in making the same, and which shall hold more or bear a greater proportion than three pennyweights of fine silver to the pound avoirdupoise of such copper, brass, or other metals.

— any metal inferior to silver, whether gilt, silvered, stained, or coloured, or otherwise, which shall be worked up or mixed with gold or silver in any manufactory of lace, fringe, cord, embroidery, tambour work, or buttons.

A List of Goods which may be PROHIBITED to be EXPORTED by Proclamation or Order in Council.

Arms, ammunition, and gunpowder.

Ashes, pot and pearl.

Military stores and naval stores, and any articles (except copper) which Her Majesty shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores.

Provisions or any sort of victual which may be used as food by man.

And if any goods shall be exported, or be waterborne to be exported, from the United Kingdom, contrary to any of the prohibitions or restrictions mentioned in such table in respect of such goods, the same shall be forfeited.

And after reciting that it is necessary to make regulations for the coasting trade of the United Kingdom and of the Isle of Man, and that the officers of the Customs should have cognizance of all ships carrying any goods coastwise from one part of the United Kingdom to another part of it, or to the Isle of Man, or from one part of the Isle of Man to another part of it, and of all goods so carried, in order that such trade may be confined to British ships, and that all duties levied coastwise may be duly collected, and that the laws for regulating the importation and exportation of goods from and to parts beyond the seas may not be evaded:—

It is Enacted,

**CXIII.** That all trade by sea from any one part of the United Kingdom to any other part thereof, or to the Isle of Man, or from the Isle of Man to any part of the United Kingdom, or from one part of the Isle of Man to another part thereof, shall be

deemed to be a coasting trade, and all ships while employed therein shall be deemed to be coasting ships; and that no part of the United Kingdom or of the Isle of Man, however situated with regard to any other part, shall be deemed in law, with reference to each other, to be parts beyond the seas in any matter relating to the trade or navigation or revenue of this realm: Provided always, that all goods liable to duty of Customs upon the importation or bringing of them into the Isle of Man, when brought from the United Kingdom into the said isle, and all vessels bringing the same, shall be liable to the same rules and regulations as are required by law in respect of goods imported into the said isle from foreign parts, and in respect of the vessels bringing the same; and all penalties and forfeitures inflicted by law for any breach of the said rules and regulations shall attach upon all goods so brought into the said isle contrary to the said rules and regulations or any of them, and upon all persons committing any breach of any such rule or regulation; and such penalties and forfeitures may be recovered in the same manner as any penalty or forfeiture may be recovered by any Act relating to the Customs.

And after reciting that some parts of the coast of the United Kingdom may be so situated with regard to other neighbouring parts thereof that doubts may arise in some cases whether the passage between them by water shall be deemed to be a passage by sea within the meaning of this Act; and that in other cases, although such passage be by sea, it may be unnecessary for the purposes of this Act, or of any Act relating to the Customs to subject ships passing between such places to the restraints of coast regulations:—

It is Enacted,

CLIV. That it shall be lawful for the said Commissioners of Her Majesty's Treasury to determine and direct in what cases the trade by water from any place on the coast of the United Kingdom to another of the same shall or shall not be deemed a trade by sea within the meaning of this Act, or of any Act relating to the Customs.

CLV. That no goods shall be carried in any coasting ship except such as shall be laden to be so carried at some port or place in the United Kingdom, or at some port or place in the Isle of Man respectively; and that no goods shall be laden on board any ship to be carried coastwise until all goods brought in such ship from parts beyond the seas shall have been unladen; and that if any goods shall be taken into or put out of any coasting ship at sea or over the sea, or if any coasting ship shall touch at any place over the sea, or deviate from her voyage, unless forced by unavoidable circumstances, or if the master of any coasting ship which shall have touched at any place over the sea shall not declare the same in writing under his hand to the collector or comptroller at the port in the United Kingdom or in the Isle of Man where such ship shall afterwards first arrive, the master of such ship shall forfeit the sum of 200*l*.

CLVI. That no goods shall be laden on board any ship in any port or place in the United Kingdom or in the Isle of Man to be carried coastwise, nor having been brought coastwise shall be unladen in any such port or place from any ship, until due notice in writing, signed by the master, shall have been given to the collector or comptroller, by the master, owner, wharfinger, or agent of such ship, of the intention to lade goods on board the same to be so carried, or of the arrival of such ship with goods so brought, (as the case may be,) nor until proper documents shall have been granted as hereinafter directed for the lading or for the unloading of such goods; and such goods shall not be laden or unladen except at such times and places, and in such manner, and by such persons, and under the care of such officers, as is and are hereinafter directed; and all goods laden to be so carried, or brought to be so unladen, contrary hereto, shall be forfeited.

CLVII. That in such notice shall be stated the name and tonnage of the ship, and the name of the port to which she belongs, and the name of the master, and the name of the port to which she is bound or from which she has arrived, and the name or description of the wharf or place at which her lading is to be taken in or discharged (as the case may be); and such notice shall be signed by the master, owner, wharfinger, or agent of such ship, and shall be entered in a book to be kept by the collector for the information of all parties interested; and every such notice for the unloading of any ship or vessel shall be delivered within twenty-four hours after the arrival of such ship or vessel, under a penalty of 20*l*, to be paid by the master of such ship or vessel; and in every such notice for the lading of any ship or vessel shall be stated the last voyage on which such ship or vessel shall have arrived at such port; and if such voyage shall have been from parts beyond the seas there shall be produced with such notice a certificate from the proper officer of the discharge of all goods (if any) brought in such ship, and of the due clearance of such ship or vessel inwards of such voyage.

CLVIII. That upon the arrival of any coasting ship at any port in Great Britain from Ireland, or at any port in Ireland from Great Britain, the master of such ship shall within twenty-four hours after such arrival attend and deliver such notice, signed by him, to the collector or comptroller; and if such ship shall have on board any goods subject on arrival to any duty of excise, or any goods which had been imported from parts beyond the seas, the particulars of such goods, with the marks and numbers of the packages containing the same, shall be set forth in such notice; and if there shall be no such goods on board, then it shall be declared in such notice that no such goods are on board; and the master shall also answer any questions relating to the voyage as shall be demanded of him by the collector or comptroller; and every master who shall fail in due time to deliver such notice, and truly to answer such questions, shall forfeit the sum of 100*l*.

CLIX. That when due notice shall have been given to the collector or comptroller at the port of lading of the intention to lade goods on board any coasting ship, such collector or comptroller shall grant a general sursuffiance for the lading of goods (without specifying the same) on board such ship, at the wharf or place which shall be expressed in such sursuffiance; and such sursuffiance shall be a sufficient authority for the lading of any sort of goods, except such (if any) as shall be expressly excepted therein: Provided always, that before any sursuffiance be granted for any goods prohibited to be exported the master or owner of any such ship, or the shipper of such goods, shall give bond, with one sufficient surety, in treble the value of the goods, that the same shall be landed at the port for which such sursuffiance is required, or shall be otherwise accounted for to the satisfaction of the Commissioners of Her Majesty's Customs.

CLX. That the master of every coasting ship shall keep or cause to be kept a cargo book of the same, stating the name of the ship and of the master, and of the port to which she belongs, and of the port to which bound on each voyage; and in such book shall be entered, at the port of lading, an account of all goods taken on board such ship, stating the descriptions

of the packages, and the quantities and descriptions of the goods therein, and the quantities and descriptions of any goods stowed loose, and the names of the respective shippers and consignees, as far as any of such particulars shall be known to him; and in which book, at the port of discharge, shall be noted the respective days upon which any of such goods be delivered out of such ship, and also the respective times of departure from the port of lading, and of arrival at any port of unloading; and such master shall produce such book for the inspection of the coast-waiter or other proper officer, so often as the same shall be demanded, and who shall be at liberty to make any note or remark therein; and if such master shall fail correctly to keep such book, or to produce the same, or if at any time there be found on board such ship any goods not entered in the cargo book as laden, or any goods noted as delivered, or if at any time it be found that any goods entered as laden, or any goods not noted as delivered, be not on board, the master of such ship shall forfeit the sum of 50*l*.; and if, upon examination at the port of lading, any package entered in the cargo book as containing any foreign goods shall be found not to contain such goods, such package, with its contents, shall be forfeited; and if at the port of discharge any shall be found to contain any foreign goods which are not entered in such book, such goods shall be forfeited.

**CXXI.** That before any coasting ship shall depart from the port of lading, an account, together with a duplicate of the same, all fairly written, and signed by the master, shall be delivered to the collector or comptroller; and in such account shall be set forth such particulars as are required to be entered in the cargo book of all foreign goods, and of all corn, grain, meal, flour, or malt laden on board, and generally, whether any other British goods or no other British goods be laden on board, as the case may be, or whether such ship be wholly laden with British goods not being of any of the descriptions before mentioned, as the case may be; and the collector or comptroller shall select and retain one of such accounts, and shall return the other, dated and signed by him, and noting the clearance of the ship thereon; and such account shall be the clearance of the ship for the voyage, and the transire for the goods expressed therein; and if any such account be false, or shall not correspond with the cargo book, the master shall forfeit the sum of 50*l*.

**CXXII.** That before any goods be unladen from any coasting ship at the port of discharge, the master, owner, wharfinger, or agent of such ship shall deliver the transire to the collector or comptroller of such port, who shall thereupon grant an order for the unloading of such ship at the wharf or place specified in such order: Provided always, that if any of the goods on board such ship be subject to any duty of Customs or Excise payable on arrival coastwise at such port, the master, owner, wharfinger, or agent of such ship, or the consignee of such goods, shall also deliver to the collector or comptroller a bill of the entry of the particulars of such goods, expressed in words at length, together with a copy thereof, in which all sums and numbers may be expressed in figures, and shall pay down all duties of Customs, or produce a permit in respect of all duties of Excise, which shall be due and payable on any of such goods, as the case may be; and thereupon the collector and comptroller shall grant an order for the landing of such goods, in the presence or by the authority of the coast-waiter.

**CXXIII.** That it shall be lawful for the collector and comptroller, in the cases hereinafter mentioned, to grant for any coasting ship a general transire, to continue in force for any time not exceeding one year from the date thereof, for the lading of any goods (except such goods, if any, as shall be expressly excepted therein), and for the clearance of the ship in which the goods shall be laden, and for the unloading of the goods at the place of discharge; (that is to say,)

For any ship regularly trading between places in the river Severn eastward of the Holmes:

For any ship regularly trading between places in the river Humber:

For any ship regularly trading between places in the Firth of Forth:

For any ship regularly trading between places to be named in the transire, and carrying only manure, lime, chalk, stone, gravel, sand, or any earth, not being fullers earth:

And that it shall and may be lawful for the Commissioners of Her Majesty's Customs, whenever it shall appear to them to be necessary, to grant general transires, under such regulations and for such time as they may see fit, for the lading of any goods, and for the clearing the ship in which the goods shall be laden, and for the unloading the goods at the place of discharge: Provided always, that such transires shall be written in the cargo book hereinbefore required to be kept by the masters of coasting ships: Provided also, that if the said Commissioners or the collector and comptroller shall at any time revoke such transires, and notice thereof shall be given to the master or owner of the ship, or shall be given to any of the crew when on board the ship, or shall be entered in the cargo book by any officer of the Customs, such transires shall become void, and shall be delivered up by the master or owner to the collector or comptroller, or to any officer of Customs demanding the same.

**CXXIV.** That it shall be lawful in any case, and at all legal times, for the coast-waiter, and also for the landing-waiter, and for the searcher, and for any other proper officer of the Customs, to go on board any coasting ship in any port or place in the United Kingdom or in the Isle of Man, or at any period of her voyage, and strictly to search such ship, and to examine all goods on board, and all goods being laden or unladen, and to demand all documents which ought to be on board such ship.

**CXXV.** That no goods shall be unshipped from any ship arriving coastwise in the United Kingdom or in the Isle of Man, and also that no goods shall be shipped, or waterborne to be shipped, in the United Kingdom or in the Isle of Man, to be carried coastwise, but only on days not being Sundays or holidays, and in the daytime, (that is to say,) from the first day of September until the last day of March betwixt sun-rising and sun-setting, and from the last day of March until the first day of September between the hours of seven of the clock in the morning and four of the clock in the afternoon; nor shall any goods be so unshipped, shipped, or waterborne unless in the presence or with the authority of the proper officer of the Customs, nor unless at places which shall be appointed or approved by the proper officer of the Customs.

**CXXVI.** That whenever any goods which may be prohibited to be exported by proclamation or by order in council, under the authority of this Act, shall be so prohibited, it shall, be lawful in such proclamation or order in council to prohibit or restrict the carrying of such goods coastwise; and if any such goods shall be carried coastwise, or shall be shipped or waterborne to be carried coastwise, contrary to any such prohibition or restriction, the same shall be forfeited.

And in order to avoid the frequent use of numerous terms and expressions in this Act, and in other Acts relating to the Customs, and to prevent any misconstruction of the terms and expressions used therein:—

It is Enacted,

CXXVII. That whenever the several terms or expressions following shall occur in this Act, or in any other Act relating to the Customs or to trade and navigation, the same shall be construed respectively in the manner hereinafter directed; (that is to say,) the term "ship" shall be construed to mean ship or vessel generally, unless such term shall be used to distinguish a ship from sloops, brigantines, and other classes of vessels; that the term "master" of any ship shall be construed to mean the person having or taking the charge or command of such ship; that the term "owners" and the term "owner" of any ship shall be construed alike to mean one owner, if there be only one, and any or all the owners, if there be more than one; that the term "mate" of any ship shall be construed to mean the person next in command of such ship to the master thereof; that the term "seaman" shall be construed to mean alike seaman, mariner, sailor, or landsman, being one of the crew of any ship; that the term "British possession" shall be construed to mean colony, plantation, island, territory, or settlement belonging to Her Majesty; that the term "Her Majesty" shall be construed to mean Her Majesty, her heirs and successors; that the term "limits of the East India Company's charter" shall be construed to mean the Cape of Good Hope, and all places and seas eastward thereof to the Straits of Magellan; that the terms "collector and comptroller" shall be construed to mean the collector and comptroller of the Customs of the port intended in the sentence; that whenever mention is made of any public officer the officer mentioned shall be deemed to be such officer for the time being; that the term "warehouse" shall be construed to mean any place, whether house, shed, yard, timber pond, or other place in which goods entered to be warehoused upon importation may be lodged, kept, and secured without payment of duty, or although prohibited to be used in the United Kingdom; that the term "Queen's warehouse" shall be construed to mean any place provided by the Crown for lodging goods therein for the security of the Customs.

CXXVIII. That the island of Malta and its dependencies shall be deemed to be in Europe.

CXXIX. That all duties, bounties, and drawbacks of Customs shall be paid and received in every part of the United Kingdom and of the Isle of Man in British currency, and according to imperial weights and measures; and that in all cases where such duties, bounties, and drawbacks are imposed and allowed according to any specific quantity or any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value; and all such duties, bounties, and drawbacks shall be under the management of the Commissioners of the Customs.

CXXX. That all bonds relating to the Customs required to be given in respect of goods or ships, except bonds given for securing the due exportation or payment of duty upon goods warehoused according to law, shall be taken by the collector and comptroller for the use of Her Majesty; and after the expiration of three years from the date thereof, or from the time, if any, limited therein for the performance of the condition thereof, every such bond upon which no prosecution or suit shall have been commenced shall be void, and may be cancelled and destroyed.

And after reciting that it frequently occurs that certain indulgences are granted to merchants and others, by directions of the Commissioners of Her Majesty's Treasury and the Commissioners of her Majesty's Customs, on bond being given for the security of the revenue; and, as doubts may arise whether such bonds would in law be valid:—

It is Enacted and Declared,

CXXXI. That in all cases where bonds shall be entered into, with the concurrence or by the direction of the Commissioners of Her Majesty's Treasury or the Commissioners of Her Majesty's Customs, for the due performance of any order, matter, or thing relative to the Customs, such bonds shall be valid in law, and upon breach of any of the conditions thereof may be sued and proceeded upon in like manner as any other bond entered into by virtue of any Act relating to the Customs.

CXXXII. That the same instruments, and the same tables and scales of graduation, and the same rules and methods, as the officers of the Excise shall by any law in force for the time being be directed to use, adopt, and employ in trying and ascertaining the strengths and quantities of spirits made within the United Kingdom, for the purpose of computing and collecting the duties of Excise payable thereon, shall be used, adopted, and employed by the officers of the Customs in trying and ascertaining the strengths and quantities of spirits imported into the United Kingdom, for the purpose of computing and collecting the duties of Customs payable thereon.

CXXXIII. That, to prevent vinegar or acetous acid of excessive strength being brought into consumption upon payment of duty as common vinegar or acetous acid, to the great injury of Her Majesty's revenue, all such liquors as aforesaid subject and liable to any duty of Customs shall and may be tried and examined by any officer or officers of Customs with such acetometer as shall and may be from time to time directed by the Commissioners of Her Majesty's Customs, in order to ascertain the strength thereof; and that whenever any such liquors shall upon any such trial be found by any officer or officers of Customs to be above proof as denoted by such acetometer (proof of being such strength of acetous acid that one hundred parts of the liquor by weight will saturate or neutralize fourteen and a half parts by weight of crystallized sub-carbonate of soda), the number of gallons of such liquors of which such trial is made shall be deemed and computed by such officer or officers to be such number as could be made from or with such liquors if diluted by water to the strength of proof noted as aforesaid, and shall be chargeable and taken account of and charged by such officer with duty accordingly.

CXXXIV. That spirits or strong waters imported into the United Kingdom mixed with any ingredient, and although thereby coming under some other denomination, shall nevertheless be deemed to be spirits or strong waters, and be subject duty as such.

CXXXV. That it shall be lawful for the officers of the Customs to take such samples of any goods as shall be necessary for ascertaining the amount of any duties payable on the same; and all such samples shall be disposed of and accounted for in such manner as the Commissioners of Her Majesty's Customs shall direct.



**CXXXVI.** That if upon the first levying or repealing of any duty, or upon the first granting or repealing of any drawback or bounty, or upon the first permitting or prohibiting of any importation or exportation, whether inwards, outwards, or coastwise, in the United Kingdom or in the Isle of Man, it shall become necessary to determine the precise time at which an importation or exportation of any goods made and completed shall be deemed to have had effect, such time, in respect of importation or exportation of any goods made and completed, shall be deemed to be the time at which the ship importing such goods had actually come within the limits of the port at which such ship shall in due course be reported, and such goods be discharged; and that such time, in respect of exportation, shall be deemed to be the time at which the goods had been shipped on board the ship in which they had been exported; and that if such question shall arise upon the arrival or departure of any ship, in respect of any charge or allowance upon such ship, exclusive of any cargo, the time of such arrival shall be deemed to be the time at which the report of such ship shall have been or ought to have been made; and the time of such departure shall be deemed to be the time of the last clearance of such ship with the collector and comptroller for the voyage upon which she departed.

**CXXXVII.** That although any duty of Customs shall have been overpaid, or although after any duty of Customs shall have been charged and paid it shall appear or be judicially established that the same had been charged under an erroneous construction of the law, it shall not be lawful to return any such overcharge after the expiration of three years from the date of such payment.

**CXXXVIII.** That the tonnage or burden of every British ship within the meaning of this Act shall be the tonnage set forth in the certificate of registry of such ship, and that the tonnage or burden of every other ship shall, for the purposes of this Act, be ascertained in the same manner as the tonnage of British ships is ascertained.

And after reciting that by an Act, 4 & 5 Will. 4. c. 32, intituled 'An Act for reducing the Tonnage Rates payable in the Port of London,' certain rates are imposed upon ships or other vessels entering inwards and clearing outwards in the port of London, and it is expedient to amend the same in respect of ships or other vessels reporting their cargoes for exportation, and ultimately leaving the port without breaking bulk:—

It is Enacted,

**CXXXIX.** That no tonnage rate shall be payable under the said Act on ships or other vessels entering inwards or clearing outwards in the said port in cases where the cargoes are reported for exportation, and ultimately the ships or other vessels leave the port without breaking bulk, or taking in merchandise for the purpose of exportation.

**CXL.** That it shall be lawful for the officers of the Customs at any port under British dominion where there shall be a collector and comptroller of the Customs to refuse to admit any person to do any act at such port as master of any British ship, unless his name shall be inserted in or have been indorsed upon the certificate of registry of such ship as being the master thereof, or until his name shall have been so indorsed by such collector and comptroller.

**CXLI.** That if any person shall counterfeit or falsify, or wilfully use when counterfeited or falsified, any entry, warrant, cocket, or transire, or other document for the unlading, lading, entering, reporting, or clearing of any ship or vessel, or for the landing or shipping of any goods, stores, baggage, or article whatever, or shall by any false statement procure any writing or document to be made for any of such purposes, every person so offending shall for every such offence forfeit the sum of 200*l.*: Provided always, that this penalty shall not attach to any particular offence for which any other penalty shall be expressly imposed by any law in force for the time being.

**CXLII.** That whenever any person shall make any application to any officer of the Customs to transact any business on behalf of any other person, it shall be lawful for such officer to require of the person so applying to produce a written authority from the person on whose behalf such application shall be made, and in default of the production of such authority to refuse to transact such business.

**CXLIII.** That if any declaration required to be made by this Act, or by any other Act relating to the Customs or to trade or navigation (except declarations to the value of goods), or if any declaration made for the consideration of the Commissioners of Her Majesty's Customs on any application presented to them, be untrue in any particular, or if any person required by this Act, or by any other Act relating to the Customs or to trade or navigation, to answer questions put to him by the officers touching certain matters, shall not truly answer such questions, the person making such declaration or answering such questions shall, over and above any other penalty to which he may become subject, forfeit the sum of 100*l.*

**CXLIV.** That the Commissioners of Her Majesty's Customs shall cause to be made, and to be publicly exposed from time to time at the several ports in the United Kingdom and in Her Majesty's possessions abroad, printed lists of all books whereof the copyright shall be subsisting, and as to which the proprietor of such copyright or his agent shall have given notice in writing to the said Commissioners that such copyright subsists, such notice also stating when such copyright expires.

And after reciting that by an Act, 9 Geo. 4. c. 93, intituled 'An Act to allow Sugar to be delivered out of the Warehouse to be refined,' provisions are made for ascertaining and taking, in manner therein mentioned, the prices of brown or muscovado sugar the produce of the British possessions in America: And that it is expedient that the said provisions should extend and be applicable to brown or muscovado sugar the produce of the British possessions within the limits of the East India Company's charter:—

It is Enacted,

**CXLV.** That from and after the 1st of August 1842 so much of the said last-mentioned Act as provides for the ascertaining and taking the prices of brown or muscovado sugar the produce of the British possessions in America, and so much of the said Act as requires the delivery of accounts of the sales and purchases of such sugar, and statements of the quantities and prices thereof, and other particulars therein mentioned in relation thereto, and the computation and publication of the average price thereof, and the registry of such accounts and prices, shall be held to extend, include, and apply to brown or muscovado sugar the produce of the several British possessions within the limits of the East India Company's charter; and that the

average price of sugar to be thenceforth published under the said last-mentioned Act as hereby extended shall be the average price of brown or muscovado sugar the produce not only of the British possessions in America but also of the British possessions within the limits of the East India Company's charter; and the several penalties of 50*l.* and of 5*l.* imposed by the said recited Act for the offences therein mentioned in respect of sugar the produce of the British possessions in America shall extend and be applicable to the like offences in respect of sugar the produce of the British possessions within the limits of the East India Company's charter.

CLXVI. That all goods, and all ships, vessels, and boats, which by this Act or any Act at any time in force relating to the Customs shall be declared to be forfeited, shall and may be seized by any officer of the Customs; and such forfeiture of any ship, vessel, or boat shall be deemed to include the guns, tackle, apparel, and furniture of the same; and such forfeiture of any goods shall be deemed to include the proper package in which the same are contained.

CLXVII. That in case any goods, ships, vessels, or boats shall be seized as forfeited, or detained as under-valued by virtue of any Act of Parliament relating to the Customs, it shall be lawful for the Commissioners of Her Majesty's Customs to order the same to be restored in such manner and on such terms and conditions as they shall think fit to direct; and if the proprietor of the same shall accept the terms and conditions prescribed by the said Commissioners, he shall not have or maintain any action for recompence or damage on account of such seizure or detention; and the person making such seizure shall not proceed in any manner for condemnation.

CLXVIII. That if any ship shall have become liable to forfeiture on account of any goods laden therein or unladen therefrom, or if the master of any ship shall have become liable to any penalties on account of any goods laden in such ship or unladen therefrom, and such goods shall be small in quantity or of trifling value, and it shall be made appear to the satisfaction of the Commissioners of Her Majesty's Customs that such goods had been laden or unladen contrary to the intention of the owners of such ship, or without the privy of the master thereof, as the case may be, it shall be lawful for the said Commissioners to remit such forfeiture, and also to remit or mitigate such penalty, as they shall see reason to acquit such master of all blame in respect of such offence, or more or less to attribute the commission of such offence to neglect of duty on his part as master of such ship; and every forfeiture and every penalty, or part thereof so remitted, shall be null and void, and no suit or action shall be brought or maintained by any person whatever on account thereof.

CLXIX. That if any ship coming up or departing out of any port in the United Kingdom or in the Isle of Man, shall not bring to at the proper stations in such port appointed by the Commissioners of Her Majesty's Customs for the boarding or landing of officers of the Customs, the master of such ship shall for every such offence forfeit the sum of 100*l.*

CL. That it shall be lawful for the Commissioners of Her Majesty's Customs, and for the collector and comptroller of any port under their directions, to station officers on board any ship while within the limits of any port in the United Kingdom or in the Isle of Man; and the master of every ship on board of which any officer is so stationed shall provide every such officer sufficient room under the deck, in some part of the fore-castle or steerage, for his bed or hammock, and in case of neglect or refusal so to do shall forfeit the sum of 100*l.*

CLI. That whenever any goods shall be taken to and secured in any of the Queen's warehouses in the United Kingdom or in the Isle of Man, for security of the duties thereon, or to prevent the same from coming into home use, it shall and may be lawful for the Commissioners of Her Majesty's Customs to charge and demand and receive warehouse rent for such goods for all such time as the same shall remain in such warehouse, at the same rate as may be payable for the like goods when warehoused in any warehouse in which such goods may be warehoused without payment of duty: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, or the Commissioners of Her Majesty's Customs, by warrant in order under their hands respectively, from time to time to fix the amount of rent which shall be payable for any goods secured in any of the Queen's warehouses as aforesaid.

CLII. That in case such goods shall not be duly cleared from the Queen's warehouse within three calendar months (or longer if they be of a perishable nature), it shall be lawful for the Commissioners of Her Majesty's Customs to cause such goods to be publicly sold by auction, for home use or for exportation (as the case may be); and the produce of such sale shall be applied towards the payment of the duties, if sold for home use, and of the warehouse rent and all other charges; and the surplus (if any) shall be paid to the person authorized to receive the same: Provided always, that it shall be lawful for the said Commissioners to cause any of such goods to be destroyed as cannot be sold for a sum sufficient to pay such duties and charges, if sold for home use, or sufficient to pay such charges, if sold for exportation: Provided also, that if such goods shall have been landed by the officers of the Customs, and the freight of the same shall not have been paid, the produce of such sale shall be first applied to the payment of such freight.

CLIII. That it shall be lawful for Her Majesty, by her commission out of the Court of Exchequer, from time to time to appoint any port, haven, or creek in the United Kingdom or in the Isle of Man, and to set out the limits thereof, and to appoint the proper places within the same to be legal quays for the lading and unlading of goods, and to declare that any place which had been set out as a legal quay by such authority shall be no longer a legal quay, and to appoint any new place within any port to be a legal quay for the lading and unlading of goods: Provided always, that all ports, havens, and creeks, and the respective limits thereof, and all legal quays, appointed and set out and existing as such at the commencement of this Act under any law till then in force, shall continue to be such ports, havens, creeks, limits, and legal quays respectively as the same had been appointed and set out under the authority of this Act.

CLIV. That in any information or other proceeding for any offence against any Act made or to be made relating to the Customs the averment that such offence was committed within the limits of any port shall be sufficient, without proof of such limits, unless the contrary be proved.

CLV. That it shall be lawful for the Commissioners of Her Majesty's Customs from time to time, by any order under their hands, to appoint places to be sufferance wharfs, for the lading and unlading of goods by sufferance, to be duly issued by them, by the proper officers under their directions, in such manner and in such cases as they shall see fit.

CLVI. That no ship or boat appointed and employed ordinarily for the carriage of letters shall import or export any goods without permission of the Commissioners of Her Majesty's Customs, under the penalty of the forfeiture of 100*l.*, to be paid by the master of such ship or boat.

CLVII. That no ship shall be cleared from any port of the United Kingdom, either for a coasting or a foreign voyage, laden with coals or coal, or culm or cinders, which had not been previously brought coastwise into such port, until the ship or coal owner, or his agent, vending or shipping the same, shall have delivered to the collector or comptroller two certificates under his hand, expressing the total quantities of coals, culm, and cinders respectively shipped or intended to be shipped by him in such ship; and the collector or comptroller shall retain one of such certificates, and shall deliver the other, signed by him, to the master of the ship; and every fitter, coal owner, or agent who shall refuse to give such certificates, or shall give a false certificate, shall forfeit and pay the sum of 100*l.*; and the master of such ship shall keep such certificate, and produce the same to any officer of Customs demanding such production, and shall before bulk be broken deliver such certificate to the collector or comptroller of any port in the United Kingdom to which such coals, culm, or cinders shall be carried in such ship.

CLVIII. That it shall not be lawful for any person to act as an agent for transacting business in the port of London which shall relate to the entry or clearance of any ship, or of any goods, or of any baggage, unless authorized so to do by the licence of the Commissioners of Her Majesty's Customs, who are hereby empowered to require bond to be given by every person to whom such licence shall be granted, with one sufficient surety, in the sum of 1,000*l.*, for the faithful and incorrupt conduct of such person and of his clerks acting for him: Provided always, that such bond shall not be required of any person who shall be one of the sworn brokers of the city of London: Provided also, that all licences heretofore granted by the Commissioners of Her Majesty's Customs to any persons to act as agents shall be valid and effectual, and all bonds taken for the faithful and incorrupt conduct of such persons shall be and are hereby declared to be and remain in full force and effect; and if any person shall act as such agent, not being so licensed, or if any person shall be in partnership in such agency with any person not so licensed, such person shall, in either case, for every such offence forfeit the sum of 100*l.*

CLIX. That it shall be lawful for the Commissioners of Her Majesty's Treasury, by any order under their hands, to revoke any such licence, or any licence heretofore granted by the Commissioners of Customs to any person to act as an agent for transacting such business at the Custom-house in the port of London, and that after a copy of such order shall have been delivered to such person or to his clerk, or left at his usual place of abode or business, such licence shall be void.

CLX. Provided and enacted, That nothing herein contained shall extend to prevent the clerk or servant of any person or of any persons in copartnership from transacting any such business, on account of such person or persons, without such licence, provided such clerk or servant shall not transact any such business as clerk, servant, or agent to any other person.

CLXI. That it shall be lawful for any such agent or agents in copartnership to appoint any person without licence, to be his or their clerk in transacting such agency: Provided always, that no person shall be admitted to be such clerk to more than one agent or copartnership of agents, nor until his name and residence and the date of his appointment shall have been indorsed on the licence of every such agent, and signed by him, and witnessed by the signature of the collector and comptroller of the Customs, unless such person shall have been appointed with consent of the Commissioners of Her Majesty's Customs before the commencement of this Act.

CLXII. That it shall be lawful for the said Commissioners of Her Majesty's Treasury, by their warrant, to be published in the *London or Dublin Gazette*, to extend the regulations hereinbefore made relating to agents in the port of London to agents at any other port in Great Britain, or at any port in Ireland.

CLXIII. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

## CAP. LXXXVII.

### AN ACT for the Prevention of Smuggling.

(4th August 1845.)

#### ABSTRACT OF THE ENACTMENTS.

##### *Vessels and Boats.*

1. *Commencement of Act.*
2. *Certain vessels belonging to Her Majesty's subjects, or whereof half the persons on board are subjects of Her Majesty, and foreign vessels, found within certain distances of the coast of the United Kingdom, or of the islands of Guernsey, Jersey, Alderney, Sark, or Man, with certain goods on board, forfeited, together with the goods.*
3. *Any vessel or boat arriving within any port of the United Kingdom, or the Isle of Man, having prohibited goods on board or attached thereto, forfeited.—Proviso.*
4. *Certain cases in which vessels shall not be forfeited for having on board tobacco, snuff, spirits, &c., or cigars.*
5. *Vessels belonging to Her Majesty's subjects, or having one-half of the persons on board subjects of Her Majesty, throwing overboard any goods during chase, forfeited, and persons escaping deemed subjects.*
6. *Certain vessels from which goods are thrown overboard to prevent seizure to be forfeited.*
7. *Vessels to bring to on being chased by vessels or boats of the navy or in preventive service; not to be fired into.*

- Vessels and Boats.*
8. *Vessels in port with a cargo, and afterwards found in ballast and cargo unaccounted for, forfeited.*
  9. *Regulations as to vessels sailing from Guernsey, Jersey, &c.*
  10. *None of Her Majesty's subjects to hoist in their vessels the union jack, or any pendants, &c. usually worn in Her Majesty's ships, and prohibited to be worn by proclamation of 1st of January 1801, under a penalty not exceeding 500l.*
  11. *Vessels and boats used in removal of run goods to be forfeited.*
  12. *Boats of vessels to have thereon the name of vessel, port, and master.*
  13. *Boat not belonging to ships to have name of owner and port thereon.*
  14. *Vessels and boats used in piloting or fishing to be painted black, and not to be painted like preventive boats.*
  15. *British vessels having secret places for concealing or devices for running goods, and foreign vessels not square-rigged having goods in secret places, forfeited.*
  16. *Vessels requiring a licence.*
  17. *Vessels and boats belonging to Her Majesty's subjects, or whereof half the persons on board are subjects of Her Majesty, not to be navigated with a greater number of persons than herein mentioned, unless licensed.*
- Licences.*
18. *Certain particulars to be inserted in licences for vessels and boats.*
  19. *The owner to give security by bond, with the conditions herein mentioned.*
  20. *Penalty of bond not to exceed 1,000l.*
  21. *Licence bonds given by minors to be valid.*
  22. *Vessels not to be used in any manner not mentioned in the licence, which is to be produced when demanded.*
  23. *Certain vessels, boats, and luggers not required to be licensed.*
  24. *Penalty for counterfeiting or falsifying licences, or making use thereof.*
  25. *How long bonds are to be in force.*
  26. *Licences and bonds granted previous to this Act to continue valid.*
  27. *Provisions as to licences to extend to Guernsey, &c.*
  28. *Goods unshipped without payment of duty, and prohibited goods, liable to forfeiture, with the horses, &c. used in removal.*
  29. *Goods concealed on board a vessel forfeited, and all goods packed therewith.*
  30. *Spirits and tobacco found removing without a permit to be deemed run.*
  31. *Restricted goods to be deemed run goods for the purpose of proceeding for forfeiture or penalty.*
  32. *Prohibited goods shipped or waterborne with intent to be exported, &c. forfeited, with all goods packed therewith.*
  33. *Vessels, boats, and goods may be seized by officers and persons herein mentioned, and must be delivered to the proper officer.*
  34. *Powers given to officers of Excise by 1 & 2 Will. 4. c. 55. as to seizure of private stills, &c., extended to officers of Customs.*
- Vessels and Goods.*
35. *Penalty on officers and persons making collusive seizures, or taking bribes, and on persons offering them.*
  36. *Vessels may be searched within the limits of the ports, as also persons on board, or who may have landed from them, if the officers have reason to suspect goods are concealed about their persons.*
  37. *Before persons are searched, they may require to be taken before a Justice or a superior officer of Customs, who shall determine whether there are reasonable grounds of suspicion.*
  38. *Penalty on officers for misconduct with respect to search.*
  39. *Penalty on persons on board denying having foreign goods about them.*
  40. *Officers authorized by writ of assistance, and having a peace officer, may search houses for uncustomed or prohibited goods, and break open doors and packages to seize such goods.*
  41. *Duration of writs of assistance.*
  42. *Officers of Customs or Excise may, on probable cause, stop carts, &c., and search for goods.*
  43. *Police officers seizing goods to carry them to the Custom-house warehouse.*
  44. *Goods stopped by police officers may be retained until trial of persons charged with stealing them.*
  45. *Commissioners of Treasury, or Commissioners of Customs or Excise, may restore seizures, and mitigate or remit punishments and penalties.*
  46. *Persons unshipping, harbouring, or having custody of any prohibited or uncustomed goods to forfeit the value, or 100l.*
  47. *How value is to be ascertained.*
  48. *Persons insuring the delivery of prohibited or uncustomed goods to forfeit 500l.*
  49. *Penalty on persons offering goods for sale under pretence of being run or prohibited.*
  50. *Persons found or discovered to have been on board vessels liable to forfeiture for being found within certain limits of the coast, subject to be committed to any house of correction.*
- Penalties.*
51. *Persons unshipping, or concerned in the carrying away or concealing, spirits or tobacco, to forfeit 100l., and may be detained.*
  52. *Persons carrying, &c. tea or manufactured silk, to forfeit treble the value, and to be liable to detention.*
  53. *Persons found or discovered to have been on board vessels found within a port of the United Kingdom or the Isle of Man with certain contraband articles on board subject to a penalty of 100l., and to detention.*
  54. *Parties not liable to penalties or detention unless concerned in bringing in the goods.*
  55. *Persons in Her Majesty's naval service detained under revenue laws to be secured on board, until a Justice's warrant procured.*

- Penalties.** { 56. *Persons assembled, to the number of three or more, to run spirits, tea, tobacco, or silk; or procuring others to assemble to run goods; or obstructing officers in the execution of their duty—to be sent to the house of correction to hard labour.*  
 57. *Authorizing magistrates to proceed to conviction of smugglers in certain cases without an order from the Board of Customs.*  
 58. *Where persons are taken before a Justice for any offence under any Act relating to the Customs, such Justice may order them to be detained a reasonable time.*  
 59. *Any person liable to be arrested making his escape may afterwards be detained by any officer of the Customs.*
- Felonies.** { 60. *Persons making signals to smuggling vessels at sea may be detained, and, on conviction, to forfeit 100*l*, or be kept to hard labour for one year.*  
 61. *Proof of a signal not being intended to lie on the defendant.*  
 62. *Any person may prevent signals, and enter upon lands for that purpose.*  
 63. *Three or more armed persons assembled to assist in the illegal landing of any goods, or in the rescuing of goods seized, to be deemed guilty of felony.*  
 64. *Persons shooting at any boat belonging to the navy, or in the service of the revenue, deemed guilty of felony.*  
 65. *Any person in company with more than four others having goods liable to forfeiture, or with one other armed or disguised, guilty of felony.*
- Officers.** { 66. *Persons assaulting officers by force or violence may be transported.*  
 67. *Commanding officers of vessels in the service may haul their vessels on shore without being liable to any action for so doing.*  
 68. *Officers of the army, &c. may patrol the coasts of the United Kingdom without being liable to action.*  
 69. *Officers, if wounded in the service of the Customs, to be provided for, &c.*  
 70. *Vessels and goods seized may be disposed of as Commissioners of Customs direct.*
- Rewards.** { 71. *Rewards to officers for detaining smugglers.*  
 72. *Rewards to officers where pecuniary penalties are recovered.*  
 73. *Rewards to officers making seizures.*  
 74. *The Treasury or Commissioners of Customs to fix the value of spirits and tobacco.—Rewards subject to deduction.*  
 75. *All rewards and seizures payable to officers of army, navy, or marines to be regulated by Her Majesty's orders in council.*  
 76. *Commissioners may distribute officers' shares of seizure in certain cases, so as to reward persons not actually present.*
- Officers.** { 77. *In case officers act negligently or collusively, the seizure to be applied to Her Majesty's use.*  
 78. *No subject of Her Majesty, except officers, to take up spirits in small casks sunk or floating upon the sea.*  
 79. *Rewards to persons giving information of goods floating upon or sunk in the sea.*  
 80. *Allowance to poor persons confined for offences against laws of Customs or Excise.*  
 81. *Actual expenses incurred by the commitment of smugglers to hard labour to be paid out of consolidated Customs.*  
 82. *Penalties and forfeitures how to be sued for.*  
 83. *Justices may summon offender, and the summons may be left at his last place of residence, or on board any ship to which he belongs.*  
 84. *Two Justices may, upon the appearance or defaults of the party, proceed to the hearing and conviction.—Power to commit.*  
 85. *Warrants.*  
 86. *Justices empowered to mitigate penalty in certain cases.*  
 87. *As to persons committed for penalties under 100*l*.*  
 88. *Persons detained for the offences herein mentioned may be convicted by Justices, and committed for non-payment of penalty, or to hard labour.*  
 89. *Justices may order imprisonment in default of payment of penalty, with hard labour.*  
 90. *Justices of limited jurisdiction not having houses of correction to commit to the one nearest to them.*  
 91. *Justices may commute the sentence of hard labour to imprisonment only, where the offender is a female, or is incapable of hard labour from age or sickness.*  
 92. *Period of confinement may, after commitment be extended, with hard labour in case of discovery of a prior conviction for a similar offence.*  
 93. *Amended warrant.*  
 94. *Married women may be committed to prison.*  
 95. *Offences on the high seas deemed to have been committed at the place into which the offender is brought, or in which he is found.*  
 96. *As to jurisdiction in boroughs, &c.*  
 97. *A magistrate of an adjoining county, with one of the county where offence committed, may hear informations.*  
 98. *Mode of proceeding before Justices for the condemnation of seized goods.*  
 99. *All vessels, boats, and goods seized under any laws of Customs, and ordered to be prosecuted, shall be deemed to be condemned, unless the owner gives notice that he intends to claim.*  
 100. *Powers of Justices to be exercised by Governor or Deemsters or Justices of the Isle of Man.*
- Jurisdiction.** {

101. Writs of certiorari and writs of habeas corpus not to be issued except on an affidavit; any Justice may amend informations, warrants of commitment, and convictions.
102. Writ of habeas corpus not to issue without notice to the solicitor for the Customs.
103. Informations to be in the words of the Act.—Parties not to be discharged upon defects in warrants, provided conviction took place upon good grounds.
104. Several persons concerned in the same offence may be sued by one information.
105. Persons having been before convicted of an offence against the Customs may, upon a verdict passing against them, be imprisoned in house of correction.
106. Persons previously convicted may be held to bail for full amount of penalty.
107. Informations, convictions, &c. to be in the form, &c. in schedule.
108. Penalties and forfeitures to be paid to Commissioners of Customs or Excise, and applied as the law directs.
109. Capias may issue against persons sued under this Act who are to give bail.
110. Persons in gaol not appearing or pleading to the information, judgment may be entered by default.
111. Persons not worth 5*l.* may defend suits in formâ pauperis.
112. Sheriff to grant special warrant on writ of capias being indorsed by the solicitor for the Customs.
113. Sheriff indemnified from escapes in cases where warrants are granted at the request of solicitor for the Customs, or any person acting in his behalf, and gaolers required to receive offenders.
114. No claim or appearance to be entered to any information for the forfeiture of seized goods, unless in the name of the owners, and oath made to the property.
115. Owners to give security for costs occasioned by the claim or appearance.
116. If suit brought on account of seizure, and the Judge shall certify that there was probable cause, plaintiff to have 2*d.* damages, and defendant fined not more than 1*s.*
117. No process to be sued out against any officer making seizure until one calendar month next after notice given.
118. No evidence to be adduced but what is contained in the notice.
119. Officer may tender amends.
120. Officer neglecting to tender amends may pay money into court.
121. Action to be commenced within six months next after cause of action has arisen.
122. Judges of the Queen's Bench may issue warrants for apprehending offenders prosecuted by indictment or information.—Persons neglecting to give bail may be committed to gaol.—Indictments or informations may be served on the gaoler, and if offender neglect to appear, &c. the prosecutor may enter plea of not guilty.—If upon trial the party is acquitted, the Judge may discharge him out of custody.
123. When recognisance is given, and the party shall not plead, a copy of the information or indictment may be delivered to his attorney.—If the party does not appear a plea of not guilty may be entered.
124. Certain articles herein mentioned not to be landed coastwise until the dues of the City of London are paid.
125. When offenders are arrested, and give bail to the sheriff, the bail bond to be assigned to Her Majesty.
126. Indictments to be preferred by order of the Commissioners, and suits to be in the name of the Attorney General or Lord Advocate, or of some officer.
127. The Attorney General or Lord Advocate may sign a nolle prosequi.
128. Proof of payments of duties or of the lawful importation of goods to be on the owner.
129. No Justice connected with the collection of the revenue to interfere.
130. Averment of certain matters to be sufficient unless the contrary is proved.
131. Persons employed for prevention of smuggling to be deemed duly employed.
132. Vivâ voce evidence may be given that a party is an officer.—Witness competent, although entitled to part of seizure or to reward.
133. What shall be deemed sufficient evidence of an order of the Treasury or of the Commissioners of Customs or Excise.
134. Within what time suits, indictments, or informations are to be exhibited.
135. Information in certain cases may be exhibited any time after six months.
136. Indictments or informations may be tried in any county in England, Scotland, or Ireland respectively.
137. Summonses, &c. in Customs or Excise proceedings may be served within the police district by the officers of Customs or Excise.
138. Alteration of Act.

By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 53, whereby the laws of Customs in relation to the prevention of smuggling were consolidated: And that since the passing of the said Act divers parts of Acts for the further amendment of the law in that respect have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Act and parts of Acts should be consolidated into one Act:—

It is Enacted,

1. That from and after the passing of this Act the same shall come into and be and continue in full force and operation for

all the purposes mentioned therein, and that all the provisions thereof shall extend to any law in force or hereafter to be made relating to the Customs.

II. That if any vessel not being square-rigged, or any boat, either belonging in the whole or in part to Her Majesty's subjects, or having half the persons on board subjects of Her Majesty, shall be found or discovered to have been within one hundred leagues of the coast of the United Kingdom; or if any vessel either belonging in the whole or in part to Her Majesty's subjects, or having half the persons on board subjects of Her Majesty, or if any foreign vessel not being square-rigged, or any foreign boat, in which there shall be one or more subjects of Her Majesty, shall be found or discovered to have been within four leagues of that part of the United Kingdom which is between the North Foreland on the coast of Kent and Beachy Head on the coast of Sussex, or within eight leagues of any other part of the coast of the United Kingdom; or if any foreign vessel or boat shall be found or discovered to have been within one league of the coast of the United Kingdom; or if any vessel or boat shall be found or discovered to have been within one league of the islands of Guernsey, Jersey, Alderney, Sark, or Man respectively, or within any bay, harbour, river, or creek of or belonging to any one of the said islands; any such vessel or boat so found or discovered, having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any manner, any spirits not being in a cask or other vessel capable of containing liquids of the size or content of twenty gallons at the least, or any tea exceeding six pounds weight in the whole, or any tobacco or snuff not being in a cask or package containing three hundred pounds weight of tobacco or snuff at least, or being separated or divided in any manner within any cask or package, or any tobacco stalks, or any cordage or other articles adapted and prepared for slinging or sinking small casks, or any casks or other vessels whatsoever of less size or content than twenty gallons, of the description used for the smuggling of spirits, then and in every such case the said spirits, tea, tobacco, or snuff, and tobacco stalks, together with the casks or packages containing the same, and the cordage or other articles, casks, and other vessels of the description aforesaid, and also the vessel or boat, shall be forfeited.

III. That if any vessel or boat whatever shall arrive or shall be found or discovered to have been within any port, harbour, river, or creek of the United Kingdom, or of the Isle of Man, not being driven thereto by stress of weather or other unavoidable accident, having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any manner within any such port, harbour, river, or creek, any spirits not being in a cask or other vessel capable of containing liquids of the size or content of twenty gallons at the least, or any tobacco or snuff not being in a cask or package containing three hundred pounds weight of such tobacco or snuff at least, or being separated or divided in any manner within any cask or package, or any tobacco stalks, every such vessel or boat, and such spirits, tobacco, snuff, or tobacco stalks, shall be forfeited: Provided always, that if it shall be made appear to the satisfaction of the Commissioners of Her Majesty's Customs that the said spirits, tobacco, snuff, or tobacco stalks were on board without the knowledge or privity of the owner or master of such vessel or boat, and without any wilful neglect or want of reasonable care on their or either of their behalves, then and in such case the said Commissioners shall and they are hereby authorized and required to deliver up the said vessel or boat to the owner or master of the same.

IV. That nothing herein contained shall extend to render any vessel of the burden of one hundred and twenty tons or upwards liable to forfeiture on account of any tobacco or snuff coming direct from the East Indies, and being in packages, each containing one hundred pounds weight of tobacco or snuff at least, or on account of any cigars being in packages each containing one hundred pounds weight of cigars at least, or on account of any tobacco the produce of Mexico, Columbia, the continent of South America, or of the islands of Saint Domingo or Cuba, coming direct from those places respectively, or from the warehouse in any British possession in America, in packages each containing eighty pounds weight of tobacco at least, or on account of any negrohead tobacco the produce of and coming direct from the United States of America in packages each containing of such tobacco one hundred and fifty pounds weight at least, or on account of any tobacco of the dominions of the Turkish empire which may be separated or divided in any manner within the outward package, such outward package being a hogshead, cask, chest, or case containing of such tobacco three hundred pounds weight at least, nor to render any vessel of sixty tons burden or upwards liable to forfeiture on account of any tea, or of any spirits in glass bottles or in stone bottles, not exceeding the size of quart bottles, such tobacco, snuff, cigars, tea, and spirits being really part of the cargo of such vessel, and included in the manifest or other papers of such vessel enumerating or describing the cargo thereof, nor to render any vessel liable to forfeiture on account of any spirits, tea, or tobacco really intended for the consumption of the seamen and passengers on board during their voyage, and not being more in quantity than is necessary for that purpose, nor to render any vessel liable to forfeiture if really bound from one foreign port to another foreign port, and pursuing such voyage, wind and weather permitting.

V. That when any vessel or boat belonging in the whole or in part to Her Majesty's subjects, or having one half of the persons on board subjects of Her Majesty, shall be found within one hundred leagues of the coast of the United Kingdom, and shall not bring to upon signal made by any vessel or boat in Her Majesty's service, or in the service of the revenue, hoisting the proper pendant and ensign in order to bring such vessel or boat to, and thereupon chase shall be given, if any person or persons on board such vessel or boat so chased shall, during the chase, or before such vessel or boat shall bring to throw overboard any part of the lading of such vessel or boat, or shall stave or destroy any part of such lading to prevent seizure thereof, that then and in such case the said vessel or boat shall be forfeited; and all persons escaping from such vessels or boats, or from any foreign vessel or boat, during any chase made thereof by any vessel or boat in Her Majesty's service, or in the service of the revenue, shall be deemed and taken to be subjects of Her Majesty, unless it shall be proved to the contrary.

VI. That from and after the passing of this Act every vessel not being square-rigged, and every boat, belonging in the whole or in part to Her Majesty's subjects, or having on board one or more of Her Majesty's subjects, which shall be found or discovered to have been within four leagues of that part of the United Kingdom which is between the North Foreland on the coast of Kent and Beachy Head on the coast of Sussex, or within eight leagues of any other part of the United Kingdom

from which any part of the lading of such vessel or boat shall have been thrown overboard, or on board which vessel or boat any of the goods on board shall be staved or destroyed, to prevent seizure, shall be forfeited.

VII. That in case any vessel or boat liable to seizure or examination under any Act or law for the prevention of smuggling shall not bring to when required so to do, on being chased by any vessel or boat in Her Majesty's navy having the proper pendant and ensign of Her Majesty's ships hoisted, or by any vessel or boat duly employed for the prevention of smuggling having a proper pendant and ensign hoisted, it shall be lawful for the captain, master, or other person having the charge or command of such vessel or boat in Her Majesty's navy, or employed as aforesaid, (first causing a gun to be fired as a signal,) to fire at or into such vessel or boat; and such captain, master, or other person acting in his aid or assistance, or by his direction, shall be and he is hereby indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing.

VIII. That if any vessel or boat whatever shall be found within the limits of any port of the United Kingdom with a cargo on board, and such vessel or boat shall afterwards be found light or in ballast, and the master is unable to give a due account of the port or place within the United Kingdom where such vessel or boat shall have legally discharged her cargo, such vessel or boat shall be forfeited.

IX. That no vessel or boat belonging wholly or in part to Her Majesty's subjects shall sail from Guernsey, Jersey, Alderney, Sark, or Man without a clearance, whether in ballast or having a cargo, and if with cargo the master shall give bond to Her Majesty in double the value of the vessel or boat and of the cargo for duly landing the same at the port for which the vessel clears; and every such vessel or boat not having such clearance, or which having a clearance for a cargo shall be found light or with any part of her cargo discharged before delivery thereof at the port specified in the clearance (unless through necessity or for preservation of the vessel or boat, to be proved to the satisfaction of the Commissioners of Her Majesty's Customs), shall be forfeited.

And after reciting that His late Majesty King George the Third, by his royal proclamation, bearing date the 1st of January 1801, was pleased, with the advice of his Privy Council, to order and appoint what ensign or colours should be borne at sea by merchants ships or vessels belonging to any of His Majesty's subjects of the United Kingdom of Great Britain and Ireland, and of the dominions thereunto belonging, thereby charging and commanding all His Majesty's subjects whatsoever that they should not presume to wear in any of their ships or vessels His Majesty's jack commonly called the union jack, nor any pendants nor any such colours as are usually worn by His Majesty's ships, without particular warrant for their so doing from His Majesty, or his High Admiral of Great Britain, or the Commissioners for executing the office of Lord High Admiral for the time being, and also commanding His Majesty's subjects that without such warrant as aforesaid they should not presume to wear on board their ships or vessels any flags, jacks, pendants, or colours made in imitation of or resembling those of His Majesty, or any kind of pendant whatsoever, or any other ensign than the ensign described in the margin of the said proclamation;—

It is Enacted and Declared,

X. That from and after the passing of this Act it shall not be lawful for any of Her Majesty's subjects whomsoever to hoist, carry, or wear in or on board any ship, vessel, or fishing boat, or any other vessel or boat whatever, whether merchant or otherwise, belonging to any of Her Majesty's subjects, Her Majesty's jack commonly called the union jack, or any pendant or any such colours as are usually worn by Her Majesty's ships, or any flag, jack, pendant, or colours whatever made in imitation of or resembling those of Her Majesty, or any kind of pendant whatsoever, or any ensign or colours whatever, other than those prescribed by the said proclamation; and that if any person or persons shall nevertheless presume to hoist, carry, or wear in or on board any ship or vessel, fishing boat, or other vessel or boat whatever, belonging to any of Her Majesty's subjects, whether the same be merchant or otherwise, Her Majesty's jack commonly called the union jack, or any pendant or colours such as are commonly worn by Her Majesty's ships, or any jack, flag, pendant, or colours whatever made in imitation of or resembling those of Her Majesty, or any kind of pendant whatever, without such warrant as aforesaid, or any other ensign or colours than the ensign or colours prescribed by the said proclamation to be worn, then and in every such case the master or other person having charge of such ship, vessel, or boat, or the owner or owners thereof being on board the same, and every other person so offending, shall for every such offence forfeit and pay a sum not exceeding 500*l.*, to be recovered, with costs of suit, either in the High Court of Admiralty of England, or in any Vice Admiralty Court in Her Majesty's colonies, or in any of Her Majesty's Courts of Queen's Bench or Exchequer at Westminster or Dublin, at the suit of Her Majesty's Attorney General, or in the Courts of Session or Exchequer in Scotland respectively; and that it shall be lawful for any officer of Her Majesty's navy or marines belonging to any of Her Majesty's ships, or any officer of the Customs or Excise, to enter on board any ship, vessel, or boat so hoisting, wearing, or carrying any jack, flag, ensign, pendant or colours prohibited by the said proclamation and by this Act to be hoisted, worn, or carried, and to seize and take away the same, and the same shall thereupon become forfeited.

XI. That all vessels and boats made use of in the removal, carriage, or conveyance of any goods liable to forfeiture under this or any other Act relating to the revenue of Customs shall be forfeited.

XII. That the owner of every vessel belonging in the whole or in part to any of Her Majesty's subjects shall paint or cause to be painted, upon the outside of the stern of every boat belonging to such vessel, the name of such vessel, and the port or place to which she belongs, and the master's name within the transom, in white or yellow roman letters, not less than two inches in length, on a black ground, on pain of the forfeiture of such boat not so marked, wherever the same shall be found.

XIII. That the owner of every boat not belonging to any vessel shall paint or cause to be painted upon the stern of such boat, in white or yellow Roman letters of two inches in length on a black ground, the name of the owner or owners of the boat, and the port or place to which she belongs, on pain of the forfeiture of such boat not so marked wherever the same shall be found.



xiv. That the owner or owners of every vessel or boat employed on the coasts of the United Kingdom in piloting or fishing shall paint or tar every such vessel or boat, or cause the same to be painted or tarred, entirely black, except the name or other description required by law to be painted on such vessel or boat; and every such vessel or boat found not so painted or tarred, and every boat so painted as to resemble any boat usually employed for the prevention of smuggling, or in any other employment in Her Majesty's service, shall be forfeited: Provided always, that nothing herein contained shall extend to prevent any distinguishing mark from being placed on any such vessel or boat, or to prevent any such vessel or boat from being otherwise painted, if the Commissioners of Her Majesty's Customs shall think proper to allow the same, and which shall be so expressed in the licence of the said vessel or boat.

xv. That all vessels and boats belonging in the whole or in part to Her Majesty's subjects having false bulkheads, false bows, double sides or bottoms, or any secret or disguised place whatsoever in the construction of such vessels or boats adapted for the purpose of concealing goods, or having any hole, pipe, or other device in or about such vessels or boats adapted for the purpose of running goods, shall be forfeited with all the guns, furniture, ammunition, tackle, and apparel belonging to such vessels or boats; and that all foreign vessels or boats not being square-rigged coming to or arriving at any part of the United Kingdom having on board any goods liable to the payment of duties, or prohibited to be imported into the United Kingdom, concealed in false bulkheads, false bows, double sides or bottoms, or in any secret or disguised place whatsoever in the construction of such last-mentioned vessels or boats, shall be forfeited.

xvi. That all vessels belonging in the whole or in part to Her Majesty's subjects, not being square-rigged or propelled by steam, and all vessels belonging as aforesaid, whether propelled by steam or otherwise, being of the burden of one hundred and seventy tons or less, of which the length is to the breadth in a greater proportion than three feet six inches to one foot, and all such last-mentioned vessels carrying arms for resistance, and all vessels of the burden of one hundred and seventy tons or more, belonging as aforesaid, armed with more than two carriage guns of a calibre exceeding four pounds, and with more than two muskets for every ten men, and all boats, belonging as aforesaid, which shall be found within one hundred leagues of the coast of the United Kingdom, shall be forfeited, unless the owners thereof shall have obtained a licence from the Commissioners of Her Majesty's Customs in the manner hereinafter described.

xvii. That every vessel or boat belonging in the whole or in part to Her Majesty's subjects, or whereof one-half of the persons on board shall be subjects of Her Majesty, (not being a lugger, and at the time fitted and rigged as such), which shall be navigated by a greater number of men (officers and boys included) than in the following proportions; (that is to say,) if of thirty tons or under, and above five tons, four men; if of sixty tons or under, and above thirty tons, five men; if of eighty tons or under, and above sixty tons, six men; if of one hundred tons or under, and above eighty tons, seven men; and above that tonnage, one man for every fifteen tons of such additional tonnage; or, if a lugger, then in the following proportions; (that is to say,) if of thirty tons or under, eight men; if of fifty tons or under, and above thirty tons, nine men; if of sixty tons or under, and above fifty tons, ten men; if of eighty tons or under, and above sixty tons, eleven men; if of one hundred tons or under, and above eighty tons, twelve men; and if above one hundred tons, one man for every ten tons of such additional tonnage; which shall be found within one hundred leagues of the coast of the United Kingdom shall be forfeited, unless such vessel, boat, or lugger shall be especially licensed for that purpose by the Commissioners of Her Majesty's Customs.

xviii. That every licence granted by the Commissioners of Her Majesty's Customs for any vessel or boat requiring licence under this Act shall contain the proper description of such vessel or boat, the name or names of the owner or owners, with his or their place or places of abode, and the manner and the limits in which the same is to be employed, and, if armed, the numbers and descriptions of arms, and the quantity of ammunition, together with any other particulars which the said Commissioners may require and direct, and that it shall be lawful for the said Commissioners to restrict the granting of a licence for any vessel or boat in any way that they may deem expedient for the security of the revenue.

xix. That before any such licence shall be issued or delivered, or shall have effect for the use of such vessel or boat, the owner or owners of every such vessel or boat shall give security by bond in the single value of such vessel or boat, with condition as follows; (that is to say,) that the vessel or boat shall not be employed in the importation, landing, or removing of any prohibited or uncustomed goods contrary to the true intent and meaning of this Act, or any other Act relating to the Customs or Excise, nor in the exportation of any goods which are or may be prohibited to be exported, nor in the re-landing of any goods contrary to law, nor shall receive or take on board or be found at sea or in port with any goods subject to forfeiture, nor shall do any act contrary to this Act, or any Act hereafter to be made relating to the Customs or Excise, or for the protection of the trade and commerce of the United Kingdom, nor shall be employed otherwise than mentioned in the licence, and within the limits therein mentioned; and in case of loss, breaking up, or disposal of the vessel or boat, that the licence shall be delivered up within six months from the date of such loss, breaking up, or disposal of such vessel or boat to the collector or principal officer of Customs at the port at which such vessel or boat shall belong; and that no such bond given in respect of any boat shall be liable to any stamp duty.

xx. That nothing herein contained shall authorize the requiring any bond in any higher sum than 1,000*l.*, although the single value of the vessel or boat for which such licence is to be issued may be more than 1,000*l.*

xxi. That all bonds given by persons under the age of twenty-one years, in pursuance of the directions herein contained, shall be valid and effectual to all intents and purposes, anything in any Act or any law or custom to the contrary in anywise notwithstanding.

xxii. That when any vessel or boat shall be found or discovered to have been used or employed in any manner or in any limits other than such as shall be specified in the licence hereby required, or if such licence shall not be on board such vessel or boat, or shall not at any time be produced and delivered for examination to any officer or officers of the army, navy, or marines, duly employed for the prevention of smuggling, and on full pay, or any officer of Customs or Excise demanding the same, then and in every such case such vessel or boat, and all the goods laden on board, shall be forfeited.

XXIII. Provided and enacted, That nothing herein contained shall extend, or be deemed or taken to extend, to any vessel boat, or lugger belonging to any of the Royal Family, or being in the service of the Navy, Victualling, Ordnance, Customs, Excise, or Post Office, nor to any whale boat or boat solely employed in the fisheries, nor to any boat belonging to any square-rigged vessel in the merchant service, nor to any life boat, nor to any tow boat belonging to licensed pilots used in towing vessels, nor to any boat used solely in rivers or inland navigation, nor to any boats solely used in fishing on the coast of Ireland or Scotland.

XXIV. That if any person or persons shall counterfeit, erase, alter, or falsify, or cause to be counterfeited, erased, altered, or falsified, any licence so to be granted as aforesaid, or shall knowingly make use of any licence so counterfeited, erased, altered, or falsified, such person or persons shall for every such offence forfeit the sum of 500*l*.

XXV. That no bond given on account of the licence of any vessel or boat under this or any other Act for the prevention of smuggling shall be cancelled until the space of twelve months after the licence for which such bond had been entered into shall have been delivered up to the proper officer of the Customs; and such bond shall remain in full force and effect for twelve months after the delivering up of the licence as aforesaid.

XXVI. That all licences for any vessels or boats granted in pursuance of any former Act relating to the Customs, or for the prevention of smuggling, shall continue valid for all the purposes for which such licences were required; and all bonds given in pursuance of any such Act shall continue valid, and may be in force, anything herein contained notwithstanding.

XXVII. That all the provisions herein contained relating to the licensing of vessels and boats shall extend to the islands of Guernsey, Jersey, Alderney, Sark, and Man.

XXVIII. That if any goods liable to the payment of duties shall be unshipped from any vessel or boat in the United Kingdom or the Isle of Man (Customs or other Duties not being first paid or secured), or if any prohibited goods whatsoever shall be imported or brought into any part of the United Kingdom, or of the Isle of Man, or if any goods whatever which shall have been warehoused or otherwise secured in the United Kingdom, or in the Isle of Man, either for home consumption or exportation, shall be clandestinely or illegally removed from or out of any warehouse or place of security, then and in every such case all such goods as aforesaid shall be forfeited, together with all horses and other animals, and all carriages and other things, made use of in the removal of such goods.

XXIX. That if any goods which are subject to any duty or restriction in respect of importation, or which are prohibited to be imported into the United Kingdom, shall be found or discovered to have been concealed in any manner on board any vessel or boat within the limits of any port of the United Kingdom or of the Isle of Man, or shall be found, either before or after landing, to have been concealed in any manner on board such vessel or boat within such limits as aforesaid, that then and in every such case all such goods, and all other goods which shall be packed with or used in concealing them, shall be forfeited.

XXX. That all spirits and all tobacco for which a permit is by law required which shall be found removing without a legal permit for the same shall be deemed to be spirits or tobacco respectively liable to and unshipped without payment of duty, unless the party in whose possession the same shall be found or seized shall prove to the contrary.

XXXI. That all goods the importation of which is in any way restricted, which are of a description admissible to duty, and which shall be found or seized in the United Kingdom or in the Isle of Man under any law relating to the Customs or Excise, shall, for the purpose of proceeding for the forfeiture of them, or for any penalty incurred in respect of them, be deemed to be and shall be described in any information exhibited on account of such forfeiture or penalty as goods liable to and unshipped without payment of duties.

XXXII. That if any goods which are prohibited to be exported shall be put on board any vessel or boat with intent to be taken or shipped for exportation, or shall be brought to any quay, wharf, or other place in the United Kingdom in order to be taken on board any vessel or boat for the purpose of being exported, or if any goods which are prohibited to be exported shall be found in any package produced to the officer or officers of Customs as containing goods not so prohibited, then and in every such case not only all such prohibited goods, but also all other goods packed therewith, shall be forfeited.

XXXIII. That all vessels and boats, and all goods whatsoever, liable to forfeiture under this or any other Act relating to the Customs, shall and may be seized in any place, either upon land or water, by any officer or officers of Her Majesty's army, navy, or marines, duly employed for the prevention of smuggling, and on full pay, or by any officer or officers of Customs or Excise, or by any person having authority to seize from the Commissioners of Her Majesty's Customs or Excise; and all vessels, boats, and goods so seized shall, as soon as conveniently may be, be delivered into the care of the proper officer appointed to receive the same.

And after reciting that by 1 & 2 Will. 4. c. 55. in Ireland, officers of Excise are authorized to search for private stills, wort, wash, pot ale, low wines, or singlings, or spirits, and corn or grain making into malt, and to arrest and detain persons discovered in the place where private distillation of spirits or making of malt is carrying on: and that it is expedient to extend the powers to officers of Customs:—

It is Enacted,

XXXIV. That all the powers, authorities, and privileges granted to officers of Excise by the said recited Act may and shall be exercised by officers of Customs as fully and effectually as if the clauses in the said Act had been repeated and re-enacted in the body of this Act, and made to apply to officers of Customs.

XXXV. That if any officer or officers of the Customs or Excise, or any officer or officers of the army, navy, or marines, duly employed for the prevention of smuggling, and on full pay, or any other person or persons whomsoever duly employed for the prevention of smuggling, shall make any collusive seizure, or deliver up, or make any agreement to deliver up or not to seize,

any vessel or boat, or any goods liable to forfeiture, or shall take any bribe, gratuity, recompense, or reward for the neglect or nonperformance of his duty, every such officer or other person shall forfeit for every such offence the sum of 500*l.*, and be rendered incapable of serving Her Majesty in any office whatever, either civil or military; and every person who shall give or offer, or promise to give or procure to be given, any bribe, recompense, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to do, conceal, or connive at any act whereby any of the provisions of any Act of Parliament relating to the Customs may be evaded, shall forfeit the sum of 200*l.*

XXXVI. That it shall and may be lawful to and for any officer or officers of the army, navy, or marines, duly employed for the prevention of smuggling, and on full pay, or for any officer or officers of Customs, producing his or their warrant or deputation (if required), to go on board any vessel which shall be within the limits of any of the ports of the United Kingdom, and to rummage and to search the cabin and all other parts of such vessel for prohibited or uncustomed goods, and to remain on board such vessel during the whole time that the same shall continue within the limits of such port, and also to search any person or persons either on board or who shall have landed from any vessel, provided such officer or officers shall have good reason to suppose that such person or persons hath or have any uncustomed or prohibited goods secreted about him, her, or their person or persons; and if any person shall obstruct any such officer or officers in going or remaining on board, or in entering or searching such vessel or person, every such person shall forfeit and lose the sum of 100*l.*

XXXVII. That before any person shall be searched by any such officer or officers as aforesaid, it shall be lawful for such person to require such officer or officers to take him or her before any Justice of the Peace, or before the collector, comptroller, or other superior officer of the Customs, who shall determine whether there is reasonable ground to suppose that such person has any uncustomed or prohibited goods about his or her person; and if it shall appear to such Justice, collector, comptroller, or other superior officer of Customs that there is reasonable ground to suppose that such person has any uncustomed or prohibited goods about his or her person, then such Justice, collector, comptroller, or other superior officer of Customs shall direct such person to be searched in such manner as he shall think fit; but if it shall appear to such Justice, collector, comptroller, or other superior officer of Customs that there is not reasonable ground to suppose that such person has any uncustomed or prohibited goods about his or her person, then such Justice, collector, comptroller, or other superior officer of Customs shall forthwith discharge such person, who shall not in such case be liable to be searched; and every such officer or officers as aforesaid is and are hereby authorized and required to take such person, upon demand, before any such Justice, collector, comptroller, or other superior officer of Customs, detaining him or her in the meantime: Provided always, that no person being a female shall be searched by any other person than a female duly authorized for that purpose by the Commissioners of Her Majesty's Customs.

XXXVIII. That if any such officer or officers shall not take such person with reasonable despatch before such Justice, collector, comptroller, or other superior officer of Customs, when so required, or shall require any person to be searched by him, not having reasonable ground to suppose that such person has any uncustomed or prohibited goods about his or her person, such officer shall forfeit and pay the sum of 10*l.*

XXXIX. That if any passenger or other person on board any vessel or boat shall, upon being questioned by any officer or officers of Her Majesty's Customs whether he or she has any foreign goods upon his or her person, or in his or her possession, deny the same, and any such goods shall, after such denial, be discovered upon his or her person, or in his or her possession, such goods shall be forfeited, and such person shall forfeit treble the value of such goods.

XL. That it shall and may be lawful for any officer or officers of Customs, or person acting under the direction of the Commissioners of Her Majesty's Customs, having a writ of assistance under the seal of Her Majesty's Court of Exchequer, to take a constable, headborough, or other public officer inhabiting near the place, and in the daytime to enter into and search any house, shop, cellar, warehouse, room, or other place, and in case of resistance to break open doors, chests, trunks, and other packages, there to seize and from thence to bring any uncustomed or prohibited goods and to put and secure the same in the custom house warehouse in the port next to the place from whence such goods shall be so taken as aforesaid: Provided always that for the purposes of this Act any such constable, headborough, or other public officer, duly sworn as such, may act as well without the limits of any parish, ville, or other place for which he shall be so sworn as within such limits.

XLI. That all writs of assistance so issued from the Court of Exchequer as aforesaid shall continue and be in force during the whole of the reign in which such writs shall have been granted, and for six months from the conclusion of such reign.

XLII. That it shall be lawful for any officer of Customs or Excise or other person acting in his or their aid or assistance or duly employed for the prevention of smuggling, upon reasonable suspicion, to stop and examine any cart, waggon, or other means of conveyance, for the purpose of ascertaining whether any smuggled goods are contained therein; and if no such goods shall be found, then and in such case the officer or other person so stopping and examining such cart, waggon, or other conveyance, having had probable cause to suspect that such cart, waggon, or other conveyance had smuggled goods contained therein, shall not, on account of such stoppage and search, be liable to any prosecution or action at law on account thereof, and all persons driving or conducting such cart, waggon, or other conveyance, refusing to stop when required so to do in the Queen's name, shall forfeit the sum of 100*l.*

XLIII. That if any goods subject or liable to forfeiture under this or any other Act relating to the Customs shall be stopped or taken by any police officer, or other person acting by virtue of any Act of Parliament, or otherwise duly authorized, such goods shall be carried to the custom house warehouse next to the place where the goods were stopped or taken, and then delivered to the proper officer appointed to receive the same, within forty-eight hours after the said goods were stopped and taken.

XLIV. That if any such goods shall be stopped or taken by such police officer on suspicion that the same had been feloniously stolen, it shall be lawful for the said officer to carry the same to the police office to which the offender is taken, there to remain until and in order to be produced at the trial of the said offender; and in such case the officer is required to give notice in

writing to the Commissioners of Her Majesty's Customs of his having so detained the said goods, with the particulars of the same; and immediately after the trial of such offender all such goods shall be conveyed to and deposited in the custom house warehouse as aforesaid, to be proceeded against according to law; and in case any police officer making detention of any such goods shall neglect to convey the same to such warehouse, or to give the notice of having stopped the same as before described, such officer shall forfeit the sum of 20*l*.

XLV. That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, for the time being, or for the Commissioners of Her Majesty's Customs or Excise, by any order made for that purpose under their hands, to direct any vessel, boat, goods, or commodities whatever seized under this or any Act relating to the Customs or Excise, or to the trade or navigation of the United Kingdom, or to any of Her Majesty's possessions abroad, to be delivered to the proprietor or proprietors thereof, whether condemnation shall have taken place or not, and also to mitigate or remit any penalty or fine, or any part of any penalty or fine, incurred under any such Act as last aforesaid, or to release from confinement any person or persons committed under this or any Act relating to the Customs, on such terms and conditions as to them respectively shall appear to be proper: Provided always, that no person shall be entitled to the benefit of any order for such delivery, mitigation, remission, or release, unless such terms and conditions are fully and effectually complied with.

XLVI. That every person who shall, either in the United Kingdom or the Isle of Man, unship or assist or be otherwise concerned in the unshipping of any goods which are prohibited to be imported into the United Kingdom or into the Isle of Man, or the duties for which have not been paid or secured, or who shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, any goods which shall have been illegally unshipped without payment of duties, or which shall have been illegally removed without payment of the same, from any warehouse or place of security in which they may have been deposited, or any goods prohibited to be imported, or to be used or consumed in the United Kingdom or in the Isle of Man, and every person, either in the United Kingdom or in the Isle of Man, to whose hands and possession any such prohibited or uncustomed goods shall knowingly come, or who shall assist or be in anywise concerned in the illegal removal of any goods from any warehouse or place of security in which they shall have been deposited as aforesaid, shall forfeit either the treble value thereof, or the penalty of 100*l*., at the election of the Commissioners of Her Majesty's Customs.

XLVII. That in all cases where any penalty, the amount of which is at any time to be determined by the value of any goods, is directed to be sued for under any Act relating to the Customs or Excise, such value shall, as regards proceedings in any of Her Majesty's courts of record at Westminster, Dublin, or Edinburgh, or in the royal courts of Guernsey, Jersey, Alderney, Sark, or Man, be estimated and taken according to the rate and price which goods of the like sort or denomination of the best quality, and upon which the duties of importation shall have been paid, were sold for in London, Dublin, Edinburgh, or at the islands of Guernsey, Jersey, Alderney, Sark, or Man respectively at or about the time of the commission of the offence (as the penalty may have been incurred in England, Ireland, Scotland, or at any of the said islands respectively), and that as regards proceedings before magistrates such value shall be estimated and taken in the like manner according to the rate and price for which such goods were sold in some town at or near to the place where the offence shall have been committed.

XLVIII. That every person who, by way of insurance or otherwise, shall undertake or agree to deliver any goods to be imported from parts beyond the seas into any port or place in the United Kingdom without paying the duties due thereon on such importation, or any prohibited goods, or who, in pursuance of such insurance or otherwise, shall deliver or cause to be delivered any uncustomed or prohibited goods, and every aider or abettor of such person, shall for every such offence forfeit the sum of 500*l*., over and above any other penalty to which by law he may be liable; and every person who shall agree to pay any money for the insurance or conveying of such goods, or shall receive or take such goods into his custody or possession, or suffer the same to be so received or taken, shall also forfeit 500*l*., over and above any penalty to which by law he may be liable on account of such goods.

XLIX. That if any person or persons shall offer for sale any goods under pretence that the same are prohibited or have been unshipped and run on shore without payment of duties, that then and in such case all such goods (although not liable to any duties or prohibited) shall be forfeited, and the person or persons, and every of them, offering the same for sale shall forfeit the treble value of such goods, or the penalty of 100*l*., at the election of the Commissioners of Her Majesty's Customs.

L. That every person, being a subject of Her Majesty, who shall be found or discovered to have been on board any vessel or boat liable to forfeiture under this or any Act relating to the Customs for being found or discovered to have been within any of the distances in this Act mentioned from the United Kingdom or from the Isle of Man, having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any manner any goods or things as subject such vessel or boat to forfeiture, or who shall be found or discovered to have been, within any of such distances as aforesaid, on board any vessel or boat from which any part of the cargo or lading of such vessel or boat shall have been thrown overboard, or staved or destroyed, to prevent seizure, and every person, not being a subject of Her Majesty, who shall be found or discovered to have been on board any vessel or boat liable to forfeiture for any of the causes last aforesaid, within one league of the coast of the United Kingdom or of the Isle of Man, shall, upon being duly convicted of any of the said offences before any two Justices of the Peace, be adjudged by such Justices for the first of such offences to be imprisoned in any house of correction, and there kept to hard labour for any term not less than six nor greater than nine calendar months, and for the second of such offences for any term not less than nine nor greater than twelve calendar months, and for the third or any subsequent offence for twelve calendar months; and it shall be lawful for any officer or officers of the army, navy, or customs, being duly employed for the prevention of smuggling, and on full pay, or any officer or officers of Customs or Excise, or other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, and he and they is and are hereby authorized, empowered, and required to detain every such person, and to take such person before any Justice of the Peace in the United Kingdom or in the Isle of Man, to be dealt with as hereinafter directed: Provided always, that any such person proving to the satisfaction of any Justice or Justices before whom he may be brought that he was only a passenger in such vessel or boat, and had no interest whatever either in the vessel or boat, or in the cargo, or any goods on board the same, shall be forthwith discharged by such Justice or Justices.

LII. That every person whatsoever who shall unship, or be aiding, assisting, or concerned in the unshipping of any spirits or tobacco liable to forfeiture under this or any other Act relating to the Customs or Excise, either in the United Kingdom or in the Isle of Man, or who shall carry, convey, or conceal, or be aiding, assisting, or concerned in the carrying, conveying, or concealing of any such spirits or tobacco, shall forfeit for such offence the sum of 100*l.*; and every such person may be detained by any officer or officers of Her Majesty's army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or by any officer or officers of Customs or Excise, or other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, and taken before any Justice of the Peace in the United Kingdom or in the Isle of Man, to be dealt with as hereinafter directed.

LIII. That every person whatsoever who shall unship, or be aiding, assisting, or otherwise concerned in the unshipping of any tea or foreign manufactured silk of the value of 20*l.* liable to forfeiture under any Act relating to the Customs or Excise, or who shall carry, convey, or conceal, or be aiding, assisting, or concerned in the carrying, conveying, or concealing of such tea or silk, shall forfeit for every such offence treble the value thereof; and every such person shall and may be detained by any officer or officers of Her Majesty's army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or by any officer or officers of Customs or Excise, or by any other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, and taken before any Justice of the Peace in the United Kingdom or the Isle of Man, to be dealt with as hereinafter directed: Provided always, that it shall and may be lawful for such person so detained to give security in treble the amount of the goods seized by recognizance or otherwise, to the satisfaction of such Justice of the Peace, to appear at a time and place to be by him appointed.

LIIII. That every person who shall be found or discovered to have been on board any vessel or boat liable to forfeiture under this or any Act or Acts relating to the Customs for being found or discovered to have been within any port, harbour, river, or creek of the United Kingdom or of the Isle of Man, not being driven thereunto by stress of weather or other unavoidable accident, having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any manner, such goods or things as subject such vessel or boat to forfeiture, or who shall be found or discovered to have been on board any of Her Majesty's ships or vessels, or on board any ship or vessel in Her Majesty's employment or service, or on board of any foreign post-office packet, being a national vessel, employed in carrying the mails between any foreign country and the United Kingdom, such last-mentioned ships, vessels, or packets being found or discovered to have been within any port, harbour, river, or creek of the United Kingdom or of the Isle of Man, not being driven therein by stress of weather or other unavoidable accident, having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any manner, any spirits not being in a cask or other vessel capable of containing liquids of the size or content of twenty gallons at the least, or any tobacco or snuff not being in a cask or package containing three hundred pounds weight of such tobacco or snuff at least, or being separated or divided in any manner within any cask or package, shall forfeit the sum of 100*l.*; and it shall be lawful for any officer or officers of the army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or any officer or officers of Customs or Excise, or other persons acting in his or their aid or assistance, or duly employed for the prevention of smuggling, and he and they is and are hereby authorized, empowered, and required, to detain every such person, and to take such person before any Justice of the Peace in the United Kingdom or in the Isle of Man, to be dealt with as hereinafter directed.

LIV. Provided, and enacted and declared, That no person shall be liable to any penalty for or to be detained on account of any such offence as is hereinbefore lastly mentioned, unless there shall be reasonable ground to believe that such person was the owner of such goods, or was concerned in bringing the same into such ports and other places as are hereinbefore mentioned, or in concealing the same, nor on account of any spirits, tobacco, or snuff, being stores, or being in vessels or packages of a content or size permitted by law.

LV. That where any persons or person, being part of the crew of any ship or vessel in Her Majesty's employment or service, and liable to detention by any officer or officers of the Customs, shall have been detained under any law or laws relating to the Customs, such person or persons, upon notice thereof given by such officer or officers of Customs to the captain or commanding officer of the ship or vessel, shall be placed in security by such captain or commanding officer on board such ship or vessel until the officer or officers of Customs shall have obtained a warrant from a Justice of the Peace for bringing the said offender or offenders before him or any two or more Justices of the Peace, to be dealt with according to law, which said warrant such Justice of the Peace is hereby authorized and required to grant, upon complaint made to him by such officer or officers of Customs, stating the offence for which such person or persons is or are liable to detention as aforesaid.

LVI. That all persons assembled, to the number of three or more, for the purpose of unshipping, carrying, conveying, or concealing any spirits or tobacco, or any tea or silk (such tea or silk being of the value of 20*l.* or more), liable to forfeiture under this Act, or any other Act or Acts relating to the Customs or Excise, and every person who shall by any means procure or hire, or shall depute or authorize any other to procure or hire, any person or persons to assemble for the purpose of being concerned in the landing or unshipping, or carrying, conveying, or concealing, any goods which are prohibited to be imported, or the duties for which have not been paid or secured, and that every person who shall obstruct any officer or officers of the army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or any officer or officers of Customs or Excise, or any person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, in the execution of his or their duty, or in the due seizing of any goods liable to forfeiture by this Act, or any other Act or Acts relating to the Customs, or who shall rescue or cause to be rescued any goods which have been duly seized, or who shall attempt or endeavour to do, or who shall before or at or after any seizure stove, break, or otherwise destroy any goods to prevent the seizure thereof or the securing the same, shall, upon being duly convicted of any of the said offences before any two Justices of the Peace, be adjudged by such Justices for the first offence to be imprisoned in any house of correction, there kept to hard labour for any term not less than six nor greater than nine calendar months, and for the second offence for any term not less than nine nor greater than twelve calendar months, and for the third or any subsequent offence for two calendar months.

**LVII.** That whenever any person shall have been detained and taken before any Justice of the Peace for being found or discovered to have been on board any vessel or boat within any port, harbour, river, or creek of the United Kingdom or of the Isle of Man, such vessel or boat having on board or having had on board spirits or tobacco in such casks or packages as would, under this or any other Act relating to Customs, subject the same to forfeiture, or for unshipping, or for aiding, assisting, or being concerned in the unshipping of any spirits or tobacco liable to forfeiture under this or any other Act relating to the Customs or Excise, or for carrying, conveying, or concealing, or for aiding, assisting, or being concerned in the carrying, conveying, or concealing of any such spirits or tobacco, and it shall appear to such Justice that the quantity of spirits in respect of which such person has been so detained does not exceed one gallon, or that the quantity of tobacco in respect of which such person has been so detained does not exceed six pounds weight, it shall and may be lawful for such Justice and he is hereby authorized to proceed summarily upon the case without any information, and although no direction shall have been given by the Commissioners of Her Majesty's Customs, and to convict such person of such offence, and to adjudge that such person shall, in lieu of any other penalty, forfeit any sum of money not exceeding *5*l.**, and in default of payment of such sum of money to commit such person to any of Her Majesty's gaols for any time not exceeding one month.

And after reciting that it is expedient that time should be allowed to obtain the order of the Commissioners of Customs or Excise as hereinafter directed, and also to prepare informations, convictions, and warrants of commitment;—

It is Enacted,

**LVIII.** That when any person or persons shall have been detained by any officer or officers of the army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or by any officer of Customs or Excise, or any person or persons acting in his or their aid or assistance, or duly employed for the prevention of smuggling, for any offence against his or any other Act or Acts relating to the Customs, and shall have been taken before any Justice of the Peace, if it shall appear to such Justice that there is reasonable cause to detain such person or persons, such Justice may and he is hereby authorized and required to order such person or persons to be detained a reasonable time, and at the expiration of such time to be brought before any two Justices of the Peace, who are hereby authorized and required finally to hear and determine the matter.

**LIX.** That if any person or persons liable to be detained under the provisions of this or any other Act relating to the Customs shall not be detained at the time of so committing the offence for which he or they is or are so liable, or, after detention shall make his or their escape, it shall and may be lawful for any officer or officers of the army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or for any officer of Customs or Excise, or any other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, to detain such person so liable to detention as aforesaid at any time afterwards, and to take him before any Justice of the Peace, to be dealt with as if detained at the time of committing the said offence.

**LX.** That no person shall, after sunset and before sunrise, between the 21st of September and the 1st of April, or after the hour of eight in the evening and before the hour of six in the morning at any other time in the year, make, aid or assist in making, any signal in or on board or from any vessel or boat, or on or from any part of the coast or shore of the United Kingdom, or within six miles of any part of such coast or shore, for the purpose of giving any notice to any person on board any smuggling vessel or boat, whether any person so on board of such vessel or boat be or be not within distance to notice such signal, and if any person, contrary to the true intent and meaning of this Act, make or cause to be made, or aid or assist in making any such signal, such person so offending shall be guilty of a misdemeanour, and it shall be lawful for any person to stop, arrest, and detain the person or persons who shall so offend, and to carry and convey such person or persons so offending before any one or more of Her Majesty's Justices of the Peace residing near the place where such offence shall be committed, who, if he sees cause, shall commit the offender to the next county gaol, there to remain until the next court of oyer and terminer, great session or gaol delivery, or until such person or persons shall be delivered by due course of law; and it shall not be necessary to prove on any indictment or information that any vessel or boat was actually on the coast; and the offender or offenders, being duly convicted thereof, shall, by order of the Court before whom such offender or offenders shall be convicted, either forfeit and pay the penalty or forfeiture of 100*l.*, or, at the discretion of such Court, be sentenced or committed to the common gaol or house of correction, there to be kept to hard labour, for any term not exceeding one year.

**LXI.** Provided and enacted, That in case any person be charged with or indicted for having made or caused to be made, or aiding or assisting in making, any such signal as aforesaid, the burden of proof that such signal so charged as having been made with intent and for the purpose of giving such notice as aforesaid was not made with such intent and for such purpose shall be upon the defendant against whom such charge is made or such indictment is found.

**LXII.** That it shall be lawful for any person whatsoever to prevent any signal being made as aforesaid, and to enter and go on and upon any lands for that purpose without being liable or subject to any indictment, suit, or action for the same.

**LXIII.** That if any persons, to the number of three or more, armed with fire-arms or other offensive weapons, shall, within the United Kingdom, or within the limits of any port, harbour, or creek thereof, be assembled in order to be aiding and assisting the illegal landing, running, or carrying away of any prohibited goods, or any goods liable to any duties which have not been paid or secured, or in rescuing or taking away any such goods as aforesaid after seizure from the officer of the Customs, or other officer authorized to seize the same, or from any person or persons employed by them or assisting them, or from the place where the same shall have been lodged by them, or in rescuing any person who shall have been apprehended for any offence made felony by this or any Act relating to the Customs, or in the preventing the apprehension of any person who shall have been guilty of such offence, or in case any persons to the number of three or more, so armed as aforesaid, shall, within the United Kingdom, or within the limits of any port, harbour, or creek thereof, be so aiding or assisting, every person offending, and every person aiding, abetting, or assisting therein, shall, being thereof convicted, be adjudged guilty of

felony, and shall be liable, at the discretion of the Court before which he shall be convicted, to be transported beyond the seas for the term of the natural life of such person, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

LXIV. That if any person shall maliciously shoot at any vessel or boat belonging to Her Majesty's navy, or in the service of the revenue, within one hundred leagues of any part of the coast of the United Kingdom, or shall maliciously shoot at, maim, or dangerously wound any officer of the army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or any officer of Customs or Excise, or any person acting in his aid or assistance, or duly employed for the prevention of smuggling, in the due execution of his office or duty, every person so offending, and every person aiding, abetting, or assisting therein, shall, being lawfully convicted, be adjudged guilty of felony, and shall be liable, at the discretion of the Court before which he shall be convicted, to be transported beyond the seas for the term of the natural life of such person, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

LXV. That if any person being in company with more than four other persons be found with any goods liable to forfeiture under this or any other Act relating to the Customs or Excise, or in company with one other person, within five miles of the sea coast, or of any navigable river leading therefrom, with such goods, and carrying offensive arms or weapons, or disguised in any way, every such person shall be adjudged guilty of felony, and shall, on conviction of such offence, be transported as a felon for the term of seven years.

LXVI. That if any person shall by force or violence assault, resist, oppose, molest, hinder, or obstruct any officer of the army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or any officer of Customs or Excise, or other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, in the due execution of his or their office or duty, such person, being thereof convicted, shall be transported for seven years, or sentenced to be imprisoned in any house of correction or common gaol, and kept to hard labour, for any term not exceeding three years, at the discretion of the Court before whom the offender shall be tried and convicted as aforesaid.

LXVII. That it shall and may be lawful to and for the commanding officer for the time being of any vessel or boat employed for the prevention of smuggling to haul any such vessel or boat upon any part of the coasts of the United Kingdom, or the shores, banks, or beaches of any river, creek, or inlet of the same (not being a garden or pleasure ground, or place ordinarily used for any bathing machine or machines), which shall be deemed most convenient for that purpose, and to moor any such vessel or boat on such part of the aforesaid coasts, shores, banks, and beaches below high-water mark, and over which the tide flows on ordinary occasions, and to continue such vessel or boat so moored as aforesaid for such time as the said commanding officer shall deem necessary and proper; and such commanding officer, or person or persons acting under his direction, shall not be liable to any indictment, action, or suit for so doing, any law, statute, custom, or usage to the contrary notwithstanding.

LXVIII. That it shall be lawful to and for any officer of the army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or for any officer of Customs or Excise, or any person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, when on duty to patrol upon and pass freely along and over any part of the coasts of the United Kingdom, or the shores or banks of any river, creek, or inlet of the same, (not being a garden or pleasure ground), and any such officer or person so patrolling shall not be liable to any indictment, action, or suit for so doing, any law, statute, custom or usage to the contrary notwithstanding.

LXIX. That in all cases when any officer or seaman employed in the service of the Customs or Excise shall be killed, maimed, wounded, or in any way injured in the due execution of his office, or if any person acting in his aid, or duly employed for the prevention of smuggling, shall be so killed, maimed, wounded, or in any way injured while so aiding such officer or seaman, or so employed, it shall and may be lawful for the Commissioners of Her Majesty's Customs and Excise respectively to make such provision for the officer or person so maimed, wounded, or injured as aforesaid, or for the widows and families of such as shall be killed, as they shall be authorized and empowered to do by warrant from the Commissioners of Her Majesty's Treasury for the time being.

LXX. That all vessels and boats and all goods whatsoever which shall have been seized and condemned for breach of any law relating to the Customs shall be disposed of, as soon as conveniently may be after the condemnation thereof, in such manner as the Commissioners of Her Majesty's Customs shall direct.

LXXI. That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized and empowered, to award to any officer or other person detaining any person liable to detention under this or any other Act relating to the Customs, to be paid upon the conviction of such person, any reward they may think fit to direct, not exceeding the sum of 20*l.* for each person.

LXXII. That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized, to order the following reward to be paid to any officer or officers or persons as aforesaid by whose means any pecuniary penalty or composition is recovered; (that is to say,) one-third part of the penalty or sum recovered, except in seizure of silk goods, in which case the officers or other persons may receive one-half the penalty or sum recovered.

LXXIII. That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized, to order to be paid in respect of any seizure made under this or any Act relating to the Customs or to trade and navigation, to the person or persons making the same, the following rewards; (that is to say,)

In the case of seizures of spirits or tobacco:—

If all the parties concerned in the Act which occasions the seizure, being above the age of sixteen years, are detained and convicted, the whole value thereof, such value to be fixed and settled by the Lords of the Treasury, or by the Commissioners of Her Majesty's Customs, as hereinafter directed:

If two or more of such parties, not being the whole, are so detained and convicted, seven eighths of such value :

If one such party, not being the whole of them, is so detained and convicted, five eighths of such value :

If one such party, not being the whole of them, is detained and convicted, and the vessel or means of conveyance is or are seized and condemned, three fourths of such value :

If the vessel or means of conveyance is seized and condemned without any person being detained, one third of such value :

If all the goods are seized, and all the parties concerned as aforesaid are subsequently convicted in consequence of such seizure, and by the exertion of the seizers, one half of such value :

If the goods only are seized, one eighth or such other part as the Commissioners of the Customs shall think proper, not exceeding one fourth of such value :

In the case of seizures of other goods, not silks :—

If the vessel or other means of conveyance is or are seized and condemned, or if any person is prosecuted to conviction on account of the same, one half the produce, exclusive of the duties :

If the goods only, one-fourth of such produce :

In the case of damaged tobacco, snuff, or other goods destroyed, such reward as the Lords of the Treasury or the Commissioners of Her Majesty's Customs may think proper to direct, not exceeding a moiety of the duty payable on such goods in case the same had been sold for home consumption :

In the case of seizures of silk goods, the whole value of such goods, exclusive of the duty thereon :

In the case of seizures of vessels and boats :—

If sold, a moiety of the produce :

If taken into the public service or broken up, a moiety of the value :

In the case of seizures of cattle and carriages :—

In all cases, three-fourths of the produce of the sale.

LXXIV. Provided and enacted, That the value of spirits and tobacco seized as aforesaid shall in all cases be deemed and taken to be such as the Lords of the Treasury or the Commissioners of Her Majesty's Customs may think fit to fix the same at per gallon or per pound weight, for the purpose of rewarding the said officer as aforesaid; and that all the before-mentioned rewards shall be paid subject to a deduction 10*l.* per centum on account of law charges and other expenses.

LXXV. That every such reward, or part or share of any such seizure, or of the value thereof, as shall be payable to any officer or officers, non-commissioned officers, petty officers, seamen, or privates of her Majesty's army, navy, or marines, or acting under the orders of the Lord High Admiral or Commissioners of the Admiralty, shall be divided and distributed in such proportions, and according to such rules, regulations, and orders, as Her Majesty shall by her order or orders in council, or by her royal proclamation in that behalf, be pleased to direct and appoint.

LXXVI. That it shall be lawful for the Commissioners of Her Majesty's Customs or Excise respectively, and they are hereby authorized, in case of any seizure of vessels, boats, or goods, or of the apprehension of any parties under this or any other Act relating to the Customs, to direct the distribution of the seizer's share of such vessels, boats, or goods, or of any penalties or rewards that may be recovered on account of any seizure, in such manner as to enable any officer or officers or other person or persons through whose information or means such seizure shall have been made, or penalty recovered, or party apprehended, and who may by them be deemed to be so entitled, to participate in such proportions as the said Commissioners shall respectively deem expedient.

LXXVII. That upon proof being made to the satisfaction of the Commissioners of Her Majesty's Customs or Excise that any officer or officers or person or persons as aforesaid shall have acted collusively or negligently in the making of any seizure, or in the apprehension of any party, it shall be lawful for the said Commissioners to direct that the whole or any part of the proportion of such seizure be applied to the use of Her Majesty.

LXXVIII. That no person or persons whatsoever being a subject or subjects of Her Majesty, other than an officer or officers of the Navy, Customs, or Excise, or some person or persons authorized in that behalf, shall intermeddle with or take up any spirits, being in casks of less content than twenty gallons, which may be found floating upon or sunk in the sea within one hundred leagues of the United Kingdom; and that if any spirits shall be so intermeddled with or taken up, the same shall be forfeited, together with any vessel or boat in which they are found.

LXXIX. Provided and enacted, That if any person or persons shall discover any spirits, being in casks of less content than twenty gallons, which may be found floating upon or sunk in the sea, and shall give information to any officer of the Customs, or other person or persons duly authorized to make seizure of such spirits, so that seizure shall be made of the same, the person or persons giving such information shall be entitled to and shall receive such reward as the Commissioners of Her Majesty's Customs may deem it expedient to direct.

LXXX. That for the necessary subsistence of any poor person confined in any prison in the United Kingdom or in the Isle of Man, under or by virtue of any Exchequer or other process for the recovery of any duties or penalties, either upon bond or otherwise, under this or any other Act relating to the Customs or Excise, sued for under or by virtue of any order of the Commissioners of Her Majesty's Customs or Excise, it shall and may be lawful to and for the said Commissioners respectively to cause an allowance, not exceeding the sum of 7½*d.* and not less than 4½*d.* per day, to be made to any such poor person out of any money in their hands arising from the duties of Customs or Excise, as the case may require.

LXXXI. That the actual expenses incurred by any person to hard labour under this or any Act or Acts relating to the Customs, shall be paid out of the consolidated Customs by warrant of the Commissioners of Her Majesty's Treasury, or any two or more of them, in such manner and to such amount as they shall think fit to direct.



LXXXII. That all penalties and forfeitures incurred or imposed by this or any Act relating to the Customs, or to trade or navigation, shall and may be sued for, prosecuted, and recovered by action of debt, bill, plaint, or information in any of Her Majesty's courts of record at Westminster, or at Dublin, or at Edinburgh, or in the Royal Courts of the Islands of Guernsey, Jersey, Alderney, Sark, or Man, in the name of Her Majesty's Attorney General or of the Lord Advocate of Scotland, or in the name or names of some officer or officers of Her Majesty's Customs, or by information before any two or more of Her Majesty's Justices of the Peace in the United Kingdom or the Isle of Man, or before any governor, deputy governor, or deemster in the Isle of Man.

LXXXIII. That upon the exhibiting any information before any Justice of the Peace of any offence against this or any Act relating to the Customs, or to trade or navigation, for which offence the party charged is not liable to be detained in manner hereinbefore mentioned, such Justice is hereby required to issue a summons for the appearance of the party against whom such information is exhibited before two Justices of the Peace; and such summons, directed to such party, being left either at his or her last known place of residence, or on board any ship or vessel to which such party may belong or may have lately belonged, shall be deemed to have been sufficiently served.

LXXXIV. That upon the appearance of any party so summoned, or in case of his or her default, then upon proof to the satisfaction of the Justices that the party was duly summoned in manner aforesaid, it shall be lawful for any two Justices of the peace or [to] proceed to the examination of the matter contained in such information, and upon due proof thereof, either upon the confession of the party, or upon the oath of one or more credible witness or witnesses, to convict such party of the offence charged in such information; and in case of the non-payment of any penalty or penalties which such party may have incurred for such offence, such Justices, or one of them, or any other Justice or Justices of the Peace, are hereby authorized, by warrant under hand and seal, to commit such party to any of Her Majesty's gaols within their or his jurisdiction, there to remain until the penalty or penalties shall be paid; and such Justice or Justices are hereby also authorized and required, when such party is convicted of any offence for which the punishment of hard labour is inflicted, to commit such party by such warrant to the next house of correction, there to be kept to hard labour for such time as he or they shall be authorized to do by this or any Act or Acts relating to the Customs.

LXXXV. That such warrants shall and may be executed in any part of the United Kingdom.

LXXXVI. That where any party shall or may be convicted before any two or more of Her Majesty's Justices of the Peace as aforesaid in any penalty or penalties incurred as aforesaid, except as is hereinafter provided, it shall and may be lawful for the said Justices, in cases where, upon consideration of the circumstances, they shall deem it expedient so to do, and for a first offence only, to mitigate the payment of the said penalty or penalties, so as the sum to be paid by such party be not less than one-fourth of the amount of the penalty in which such party shall have been convicted.

LXXXVII. That where any person shall have been so committed by any Justices or Justice of the Peace to any prison for non-payment of any penalty less than 100*l.* the gaoler or keeper of such prison is hereby authorized and required to discharge such person at the end of six calendar months from the commencement of such imprisonment.

LXXXVIII. That it shall and may be lawful for any two or more Justices of the Peace before whom any person liable to be detained, and who shall have been detained for any offence against this or any Act relating to the Customs, shall be brought, either on the confession of such person of such offence, or on proof thereof upon the oath or oaths of one or more credible witness or witnesses, to convict such person of any such offence; and every such person so convicted as aforesaid shall immediately upon such conviction pay into the hands of such Justices, for the use of Her Majesty, the penalty of 100*l.* without any mitigation whatever for any such offence of which he shall be so convicted as aforesaid, or in default thereof the said Justices shall and they are hereby respectively authorized, by warrant under their hands and seals, to commit such person so convicted as aforesaid, and making such default as aforesaid, to any gaol or prison, there to remain until such penalty shall be paid; and such Justices are hereby also authorized and required, when any such person is convicted of any offence for which the punishment of hard labour is inflicted, to commit such person to the next house of correction, there to be kept to hard labour for such time as they shall be authorized to do by this or any other Act or Acts relating to the Customs.

LXXXIX. That where any person shall have been convicted before any two Justices of the Peace of any offence for which any penalty shall have been inflicted by this or any other Act or Acts relating to the Customs, it shall and may be lawful for the said Justices, if they shall think fit, to order and adjudge that such person shall, in default of paying such penalty, be imprisoned for the first of such offences in any of Her Majesty's gaols within their jurisdiction for a period of not less than six nor more than nine calendar months; and if such party shall have been before convicted of any offence against this or any other Act or Acts relating to the Customs, it shall and may be lawful for the said Justices, if they shall think fit, to order and adjudge that such person be imprisoned in any house of correction and there kept to hard labour for any period not less than six nor more than twelve calendar months.

XC. That when any person shall have been duly convicted of any offence against this or any Act or Acts relating to the Customs for which such person is liable to be sentenced to hard labour, and such conviction shall take place before any two Justices of the Peace within whose jurisdiction there is no house of correction, it shall and may be lawful for such Justices and they are hereby authorized and required, by warrant under their hands and seals, to commit such offenders to any of Her Majesty's gaols within their jurisdiction wherein the sentence of hard labour is or can be executed, or to the house of correction nearest to the place where such offender is convicted, for such time as is herein set forth for a first, second, and third offence respectively; and the governor or keeper of such gaol or house of correction is hereby required to receive such offenders and to obey such warrant in all respects as if such gaol or house of correction was within the jurisdiction of such Justices.

XCI. That where any person shall have been convicted of any offence against this or any Act or Acts relating to the Customs for which such persons would be liable to be committed to hard labour, it shall and may be lawful for the Justices before whom

such person is so convicted, provided such person is a female, or provided it appears to such Justices that such person is from age or sickness incapable of hard labour, to order and adjudge that such person shall, in lieu of being committed to hard labour, be imprisoned in any of Her Majesty's gaols within their jurisdiction for the length of time to which such person would have been liable to be kept to hard labour: Provided always, that in all such cases the cause of mitigation shall be stated in the warrant of commitment.

XCII. That when any person shall have been convicted before any two Justices of the Peace of any offence against this or any Act relating to the Customs for which such person is liable to be committed to hard labour, and it shall at any time during such imprisonment be made appear to the said or any other two Justices, in the presence of such person, that such person had been before convicted of any such offence; it shall be lawful for such Justices and they are hereby required to commit such offender to some house of correction, to be kept to hard labour for any period not less than nine nor greater than twelve calendar months in the whole from the date of the first commitment, and to amend the warrant of commitment accordingly: Provided always, that any gaoler in whose custody such person shall be shall, upon a written order signed by any Justice of the Peace, produce such person before such last-mentioned Justices for the purpose last aforesaid.

XCIII. That it shall not be necessary in such amended warrant of commitment to state or refer to the former conviction.

XCIV. That where any person being a married woman shall be convicted before two Justices of the Peace of any offence against this or any other Act relating to the Customs, such person shall, in default of paying any penalty which she may have incurred, be liable to be committed to prison.

XCV. That in case any offence shall be committed upon the high seas against this or any other Act relating to the Customs, or any penalty or forfeiture shall be incurred upon the high seas for any breach of such Act, such offence shall, for the purpose of prosecution, be deemed and taken to have been committed, and such penalties and forfeitures to have been incurred, at the place on land in the United Kingdom or the Isle of Man into which the person committing such offence, or incurring such penalty or forfeiture, shall be taken, brought, or carried, or in which such person shall be found, and in case such place on land is situated within any city, borough, liberty, division, franchise, or town corporate, as well any Justice or Justices of the Peace for such city, borough, liberty, division, franchise, or town corporate, as any Justice of the Peace of the county within which such city, borough, liberty, division, franchise, or town corporate is situated, shall have jurisdiction to hear and determine all cases of offences against such Act so committed upon the high seas, any charter or Act of Parliament to the contrary notwithstanding: Provided always, that where any offence shall be committed in any place upon the water not being within any county of the United Kingdom, or where any doubt exists as to the same being within any county, such offence shall, for the purposes of this Act, be deemed and taken to be an offence committed upon the high seas.

XCVI. That where any offence against this or any Act relating to the Customs shall be committed in any city, borough, liberty, division, franchise, or town corporate, as well any Justice or Justices of the said city, borough, liberty, division, franchise, or town corporate, as any Justices of any county within which such city, borough, liberty, division, franchise, or town corporate is situated, shall have jurisdiction to hear and determine the same.

XCVII. That when the attendance of two magistrates having jurisdiction in the county where the offence is committed cannot conveniently be obtained, it shall be lawful for a magistrate of any adjoining county, with one magistrate of the county in which the offence was committed or deemed to have been committed, to hear and determine any information exhibited before him, and to have the same powers and authorities in all respects as to any proceeding had under this or any other Act relating to the Customs as if they were both magistrates for the county in which the offence was committed.

XCVIII. That when any information shall have been exhibited before any Justice of the Peace for the forfeiture of any goods whatsoever seized under this or any Act relating to this [the] Customs, it shall be lawful for the said Justice, and he is hereby authorized and required, to summon the party to whom such goods belonged, or from whom they were seized, to appear before two Justices of the Peace; and such summons, directed to such party, being left either at his or her last known place of residence, or on board any ship to which such party may belong, shall be deemed to have been sufficiently served; and upon his, her, or their appearance or default any two Justices may proceed to the examination of the matter, and upon due proof that the said goods are liable to forfeiture under this or any Act relating to the Customs may condemn the said goods.

XCIX. That all vessels, boats, and goods which shall have been or shall be hereafter seized as forfeited under any law relating to the Customs, and which shall have been or shall hereafter be ordered to be prosecuted by the Commissioners Her Majesty's Customs, shall be deemed and taken to be condemned, and may be sold in the manner directed by law respect to vessels, boats, and goods seized and condemned for breach of any law relating to the Customs, unless the person from whom such vessels, boats, and goods shall have been seized, or the owner of them, or some person authorized by him, shall, within one calendar month from the day of seizing the same, give notice in writing, if in London, to the person seizing the same, or to the secretary or solicitor for the Customs, and if elsewhere to the person seizing the same, or to the collector and comptroller or other chief officer of the Customs at the nearest port, that he claims the vessel, boat, goods, or intends to claim them.

X. That all the powers vested in any Justices or Justice of the Peace by virtue of this Act shall be and the same are hereby vested in and may be exercised in the Isle of Man by any governor, deputy governor, or deemster of the said island, by any two Justices of the Peace in and for the said island, so far as regards offences committed against or penalties or forfeitures incurred under this or any Act or Acts relating to the Customs.

1. That no writ of certiorari shall issue to remove any proceedings before any Justice or Justices of the Peace under this Act relating to the Customs, nor shall any writ of habeas corpus issue to bring up the body of any person who shall have been convicted before any Justice or Justices of the Peace under any such Act, unless the party against whom such proceeding shall have been directed, or who shall have been so convicted, or his attorney or agent, shall state in an affidavit

In writing, to be duly sworn, the grounds of objection to such proceedings or conviction, and that upon the return to such writ of certiorari or habeas corpus no objection shall be taken or considered other than such as shall have been stated in such affidavit; and that it shall be lawful for any Justice or Justices of the Peace, and they are hereby required, to amend any information, conviction, or warrant of commitment for any offence under any such Act, at any time, whether before or after conviction.

cii. That no such writ shall issue without notice in writing of the issuing thereof to the solicitor for the Customs, and that no return to any such writ shall be considered by any of Her Majesty's Courts at Westminster, Dublin, or Edinburgh, or by any of Her Majesty's Judges of any of the said Courts, unless there shall be produced to such Court or Judge an affidavit in writing, duly sworn, stating that notice of the issuing of such writ was given to the solicitor for the Customs or left at his office four clear days before the return of such writ, and that with respect to all such writs there shall be an interval of four clear days at least between the day on which they issue and the day on which they are returnable, and any such writ issuing without such notice, and not being in conformity to the directions herein contained, shall be void to all intents and purposes whatsoever.

ciii. That every information preferred to enforce any punishment, penalty, or forfeiture for any offence committed against this or any Act or Acts relating to the Customs, and every conviction or warrant of commitment for any such offence, shall be deemed valid and sufficient, in which the offence for which such punishment or penalty shall have been inflicted, or the cause of such forfeiture, is set forth in the words of the Act or Acts by which such punishment or penalty has been inflicted, or under which such forfeiture has been incurred; and that no warrant of commitment for any such offence shall be held void by reason of any defect in such warrant, nor shall any party be entitled to be discharged out of custody on account of any such defect, provided it be alleged in such warrant that the said party has been convicted of such an offence, and provided it shall appear to the Court or Judge before whom such warrant is returned that such conviction proceeded upon good and valid grounds.

civ. That when by any Act relating to the Customs a penalty is imposed upon every person committing or concerned in the Act by which such penalty is incurred, and such offence shall have been committed by several persons jointly, or several persons shall have been concerned in the same, such several persons shall jointly and severally incur every such penalty; and it shall be lawful to proceed against such persons to recover such penalties jointly by one information or severally by separate informations, as the Attorney General or the Commissioners of Her Majesty's Customs respectively may deem expedient.

cv. That when any verdict shall pass against any person in any of Her Majesty's courts of record for any offence for which any pecuniary penalty shall have been inflicted by this or any Act relating to the Customs, and such person shall have before been duly convicted, either by verdict in any of Her Majesty's courts of record or otherwise, of any such offence, it shall and may be lawful for the Judge or Judges of the said court in which such person shall be so convicted to order and adjudge that such person shall, in lieu of any penalty, be imprisoned in any house of correction for any period not less than six nor more than twelve calendar months; and the governor or keeper of any house of correction is hereby required to receive any person committed under any such order or judgment.

cvi. That when any writ of *capias* shall hereafter issue against any person for any such offence as is hereinbefore lastly mentioned, and such person shall before have been convicted of any such offence, such writ shall issue and such person shall be held to bail for the full amount of the penalty sought to be recovered against him.

cvi. That all informations exhibited before any Justice or Justices of the Peace for any offence committed against this or any other Act relating to the Customs, and all convictions for such offences, and all warrants of any Justice or Justices of the Peace founded upon such convictions, shall be drawn respectively in the form or to the effect in the schedule to this Act annexed.

cvi. That all penalties and forfeitures which may be recovered before any Justice or Justices of the Peace under this or any other Act relating to the Customs or Excise, on any prosecution by order of the Commissioners of Customs, shall be paid to the Commissioners of Her Majesty's Customs, and on any prosecution by order of the Commissioners of Excise shall be paid to the Commissioners of Her Majesty's Excise, or to the person appointed by them respectively to receive the same; and such penalties and forfeitures shall be applied by the said Commissioners respectively in such manner as the law directs, any thing contained in any Act now in force or hereafter to be made to the contrary in anywise notwithstanding.

cix. That whenever any penalty shall be sued for as aforesaid by information against any person in any of Her Majesty's courts of record at Westminster or at Dublin, or at Edinburgh, a *capias* may thereupon issue as the first process, specifying the amount of the penalty sued for, and such person against whom such *capias* shall issue shall be obliged to give sufficient bail or security, by natural-born subjects or denizens, to the person or persons to whom such *capias* shall be directed, to appear in the Court out of which such *capias* shall issue at the day of the return of such writ, to answer such suit and prosecution, and shall likewise at the time of such appearing give sufficient bail or security, by such persons as aforesaid, in the said Court, to answer and pay all the forfeitures and penalties incurred for such offence or offences, in case he, she, or they shall be convicted thereof, or to yield his, her, or their body or bodies to prison.

cx. That if any person against whom a *capias* shall issue out of any of Her Majesty's courts of record as aforesaid shall be arrested upon such *capias*, and taken to prison for want of sufficient bail, a copy of the information exhibited against such person shall be served upon him or her in gaol, or delivered to the gaoler, keeper, or turnkey of the prison in which such person shall be confined, and if such person shall neglect or refuse to appear or plead to the said information for the space of twenty days, judgment shall be entered by default; and in case judgment shall be obtained against any such person or persons, by default, verdict, or otherwise, and such persons or person shall not pay the sum recovered against him, her, or them for his, her, or their offence, execution shall be thereupon awarded and issued, not only against the body or bodies of

the person or persons so in prison as aforesaid, but against all the real and personal estates of such person or persons, for such sum or sums of money so as aforesaid recovered against him, her, or them.

CXL. That in case any person arrested and imprisoned by virtue of any writ of *capias* as aforesaid shall make affidavit before the Judge or Judges of the Court where the information shall be brought, or before any other person commissioned to take affidavits in such court, that he or she is not worth, over and above his or her wearing apparel, the sum of 5*l.*, (which said affidavit the said Judge or Judges of such court and such person so commissioned is and are hereby authorized and required so to take), and such person shall thereupon petition such Court to defend himself or herself against such information *in forma pauperis*, the Judge or Judges of such court shall, according to their discretion, admit such person to defend himself or herself against such information in the same manner and with the same privileges as the Judges of such court are by law directed and authorized to admit poor subjects to commence actions for the recovery of their rights; and for that end and purpose it shall be lawful for any Judge or Judges of such Court to assign counsel learned in the law, and to appoint an attorney and clerk of such court, to advise and carry on any legal defence that such person can make against such action or information, and which said counsel, attorney, and clerk so assigned and appointed is and are hereby required to give his and their advice and assistance to such person, and to do their duties, without fee or reward.

CXII. That where any writ of *capias* or other process shall issue out of any court, directed to any sheriff, mayor, bailiff, or other person having the execution of process in any county, city, borough, or liberty, against any person who shall be charged with any offence against this or any Act relating to the Customs, every such sheriff, mayor, or bailiff, and other person having execution of process as aforesaid, and their and every of their under-sheriffs, deputies, and other persons acting or them in the said office and offices respectively, shall and are hereby required and enjoined, upon the request or application of the solicitor for the Customs, or any person acting in his behalf, (such request to be in writing, and indorsed upon the back of the said process, and signed by such solicitor, with his name and addition of solicitor for the Customs, or by such other person, stating his authority,) to grant a special warrant or warrants to such person or persons as shall be named to them by such solicitor or other person for the apprehending such offender or offenders, or in default thereof every such sheriff, mayor, bailiff, under-sheriff, and other person acting in the said office or offices respectively shall be subject and liable to such process of contempt, fines, amerciaments, penalties, and as they or any of them are now by any law, custom, or usage liable in case of refusing or neglecting to execute the like process where the defendant might have been taken thereupon in the common and usual method of proceeding.

CXIII. That all and every such sheriff, mayor, bailiff, under-sheriff, and other persons so granting or making out such special warrant as aforesaid shall be and they are hereby saved harmless and indemnified against Her Majesty, her heirs and successors, and against all and every other person or persons whomsoever, of and from all escapes of any person or persons who shall or may be taken by virtue of any such warrant as aforesaid which shall or may happen from the time of taking such offender or offenders till he, she, or they shall be committed to the proper gaol or prison, or be offered and tendered to the keeper or other person having charge of such gaol or prison (who is hereby enjoined and required to receive every such person or persons so apprehended as aforesaid, and give a receipt for his, her, or their body or bodies), and of and from all actions, prosecutions, process of contempt, and other proceedings for or by reason of such escape, any law, custom, or usage the contrary notwithstanding.

CXIV. That no claims shall be permitted to be entered to, and no appearance shall be permitted to be entered to, any information filed for the forfeiture of any vessel, boat, or goods seized for any cause of forfeiture, and returned into any of Her Majesty's courts of record in the United Kingdom or the Isle of Man, unless such claim or appearance is entered in the true and real name or names of the owner or owners, proprietor or proprietors of such vessel, boat, or goods, describing the place of residence and the business or profession of such person or persons; and if such person or persons shall reside at London, Edinburgh, or Dublin, or within the liberties thereof, oath shall be made by him, her, or them before one of the Judges of the Court into which the said vessel, boat, or goods are returned, or in which such information is filed, that the said vessel, boat, or goods was or were really and truly the property of him, her, or them at the time of such seizure; but if such person or persons shall not be resident in London, Edinburgh, or Dublin, or the liberties thereof, then and in such case oath shall be made in like manner by the agent, attorney, or solicitor by whom such claim or appearance shall be entered that he has full power and legal authority and directions from such owners or proprietors to enter such claim or appearance, and that to the best of his knowledge and belief such vessel, boat, or goods were at the time of the seizure thereof *bona fide* and truly the real property of the person or persons in whose name or names such claim or appearance is entered; and on failure thereof the vessel, boat, or goods shall be absolutely condemned, and judgment shall be entered thereon by default, according to the usual mode of proceedings of the Court, in the same manner as if no claim or appearance had been entered into; and every person who shall be convicted of making or taking a false oath to any of the facts hereinbefore directed or required to be sworn shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt jury.

CXV. That upon the entry of any claim to any boat or vessel or to any goods seized for any cause of forfeiture, or of any appearance to any information filed for such forfeiture, the person or persons who shall enter such claim or appearance as the owner or proprietor thereof (in case such claimant shall reside in the United Kingdom) shall be bound, with two other sufficient sureties, in the penalty of 100*l.*, to answer and pay the costs occasioned by such claim or appearance; and if such owner or proprietor shall not reside in the United Kingdom, then and in such case the attorney or solicitor by whose direction such claim or appearance shall be entered shall in like manner be bound, with two other sufficient sureties, in the like penalty, to answer and pay the costs occasioned by such claim or appearance.

CXVI. That in case any information or suit shall be commenced or brought to trial on account of the seizure of any vessel, boat, or goods, merchandises or commodities whatsoever, or any horses or other animals, or any carriage seized as forfeited by this or any Act relating to the Customs, wherein a verdict shall be found for the claimant thereof, and it shall appear to

the Judge or Court before whom the same shall have been tried that there was a probable cause of seizure, such Judge or Court shall certify on the record that there was such probable cause, and in such case the person or persons who made such seizure shall not be liable to any action, indictment, or other suit or prosecution on account of such seizure; and in case any action, indictment, or other suit or prosecution shall be commenced and brought to trial against any person or persons whomsoever on account of any such seizure as aforesaid, wherein a verdict shall be given against the defendants or defendant, if the Court or Judge before whom such information or suit shall have been tried shall have certified on the said record that there was a probable cause for such seizure, then the plaintiff, besides the things seized or the value thereof, shall not be entitled to above 2*d*. damages, nor to any costs of suit, nor shall the defendant or defendants in such prosecution be fined above 1*s*.

CXVII. That no writ shall be sued out against, nor a copy of any process served upon, any officer of the Army, Navy, Marines, Customs, or Excise, or against any person acting under the direction of the Commissioners of Her Majesty's Customs, for anything done in the execution of or by reason of his office, until one calendar month next after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent for the party who intends to sue out such writ or process as aforesaid, in which notice shall be clearly and explicitly contained in the cause of action the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and that a fee of 20*s*. shall be paid for the preparing and serving of every such notice, and no more.

CXVIII. Provided and enacted, That no plaintiff in any case when an action shall be grounded on any such act done by the defendant shall be permitted to produce any evidence of the cause of such action, except such as shall be contained in the notice to be given as aforesaid, or shall receive any verdict against such officer or person, unless he shall prove on the trial of such action that such notice was given; and in default of such proof the defendant in such action shall receive a verdict, with costs, as hereinafter mentioned.

CXIX. That it shall and may be lawful to and for any such officer or other person to whom such notice shall have been given as aforesaid, at any time within one calendar month after such notice shall have been given, to tender amends to the party complaining, or his, her, or their agent or attorney, and in case the same is not accepted to plead such tender in bar to any action to be brought against him grounded on such writ or process, together with the plea of not guilty, and other pleas, with leave of the Court; and if, upon issue joined thereon, the jury shall find the amends so tendered to have been sufficient, then they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become nonsuited, or discontinue his, her, or their action, or in case judgment shall be given for such defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only; but if upon issue joined, the jury shall find that no amends were tendered, or that the same were not sufficient, or shall find against the defendant in such other plea or pleas, then they shall give a verdict for the plaintiff, and such damages as they shall think proper, together with his, her, or their costs of suit.

CXX. That in case such officer or other person as aforesaid shall neglect to tender any amends, or shall have tendered insufficient amends, before the action brought, it shall and may be lawful for him, by leave of the Court in which such action shall be brought, at any time before the trial of the said action, to pay into court such sums of money as he shall see fit, whereupon such proceedings, orders, and payments shall be had, made, and given in and by such Court as in other actions where the defendant is allowed to pay money into court.

CXXI. That if any action or suit shall be brought or commenced as aforesaid such action or suit shall be brought or commenced within six months next after the cause of action shall have arisen, and not afterwards, and shall be laid and tried in the county or place where the cause of action is alleged to have occurred, and not in any other county or place; and the defendant or defendants shall and may plead the general issue, and give the special matter in evidence, at any trial had thereupon; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or suit, or if upon a verdict or demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall be entitled to treble costs, and have such remedy for recovering the same as any defendant or defendants can or may have in other cases where costs are given by law.

CXXII. That whenever any person shall be charged with any offence against this or any Act relating to the Customs in which he or she may be prosecuted by indictment or information in Her Majesty's Court of Queen's Bench, and the same shall be made appear to any Judge of the same court, by affidavit or by certificate of an information or indictment being filed against such person in the said court for such offence, it shall and may be lawful for such Judge to issue his warrant under his hand and seal, and thereby to cause such person to be apprehended and brought before him or some other Judge of the same court, or before some one of Her Majesty's Justices of the Peace, in order to his or her being bound to the Queen's Majesty, with two sufficient sureties, in such sum as in the said warrant shall be expressed, with condition to appear in the said court at the time mentioned in such warrant, and to answer all and singular indictments or informations for any such offence; and in case any such person shall neglect or refuse to become bound as aforesaid it shall be lawful for such Judge or Justice respectively to commit such person to the common gaol of the county, city, or place where the offence shall have been committed, or where he or she shall have been apprehended, there to remain until he or she shall become bound as aforesaid, or shall be discharged by order of the Court in term time, or of one of the Judges of the said court in vacation, and the recognizance to be thereupon taken shall be returned and filed in the said court, and shall continue in force until such person shall have been acquitted of such offence, or in case of conviction shall have received judgment for the same unless sooner ordered by the Court to be discharged; and that where any person, either by virtue of such warrant of commitment aforesaid, or by virtue of any writ of *capias* ad *respondendum* issued out of the said court, is now detained or shall hereafter be committed to and detained in any gaol for want of bail, it shall be lawful for the prosecutor of any such indictment or information to cause a copy thereof to be delivered to such person, or to the gaoler or keeper or turnkey of the gaol wherein such person is or shall be so detained, with a notice thereon indorsed, that unless such person shall, within eight days from the time of such delivery of a copy of the indictment or information as aforesaid, cause an appearance and also a plea or demurrer to be entered in the said court to such indictment or information, an appearance and the plea of not guilty will be

entered thereto in the name of such person; and in case he or she shall thereupon, for the space of eight days after the delivery of a copy of such indictment or information as aforesaid, neglect to cause an appearance and also a plea or demurrer to be entered in the said court to such indictment or information, it shall be lawful for the prosecutor of such indictment or information, upon affidavit being made and filed in the court of the delivery of a copy of such indictment or information, with such notice indorsed thereon as aforesaid, to such person, or to such gaoler, keeper, or turnkey, as the case may be, which affidavit may be made before any Judge or Commissioner of the said court authorized to take affidavits in the said Court, to cause an appearance and the plea of not guilty to be entered in the said court to such indictment or information for such person, and such proceedings shall be had thereupon as if the defendant in such indictment or information appeared and pleaded not guilty, according to the usual course of the said Court; and that if upon trial of such indictment or information any defendant so committed and detained as aforesaid shall be acquitted of all the offences therein charged upon him or her, it shall be lawful for the Judge before whom such trial shall be had, although he may not be one of the Judges of the said Court of Queen's Bench, to order that such defendant shall be forthwith discharged out of custody as to his or her commitment as aforesaid, and such defendant shall be thereupon discharged accordingly.

CCXIII. That where any person shall be arrested by virtue of a warrant issued as aforesaid, and shall enter into a recognizance, and appear in the said court at the return of the said recognizance, but shall not afterwards plead to the information or indictment, it shall and may be lawful for the prosecutor of such information or indictment to cause a copy thereof to be delivered to such person, or his or her attorney or agent, or to be left at his or her last place of abode, with a notice thereon indorsed, that unless such person shall, within eight days from the time of such delivery of a copy of the information or indictment as aforesaid, cause a plea to be entered in the said court to such information or indictment, that the prosecutor of such information or indictment will enter a plea of not guilty on his or her behalf; and that upon affidavit being made and filed in the said court of the delivery of a copy of such information or indictment, with such notice indorsed thereon as aforesaid, to such person, or to his or her attorney or agent, or at his or her last place of abode, as the case may be, it shall be lawful for the prosecutor of such information or indictment to cause the plea of not guilty to be entered in the said court to such information or indictment for such person, and such proceedings shall be had thereupon as if the defendant in such information or indictment had pleaded according to the usual course of the said court.

And for the purpose of enabling the mayor, commonalty, and citizens of the city of London, and their successors, to ascertain and collect the amount of the dues payable to them upon the several articles hereinafter mentioned, brought coastwise into the port of London;—

It is Enacted,

CCXIV. That if all or any of the goods of the description hereinafter mentioned, (that is to say), firkins of butter, tons of cheese, fish, eggs, salt, fruit, roots (eatable), and onions, brought coastwise into the port of the said city, and which are liable to the said dues, shall be landed or unshipped at or in the said port before a proper certificate of the payment of the said duties shall have been obtained, such goods respectively shall be forfeited, and may be seized by any officer of Her Majesty's Customs empowered to seize any goods landed without due entry thereof; and such forfeiture may be sued for, prosecuted, and recovered by action of debt, bill, plaint, or information in any of Her Majesty's courts of record at Westminster, in the name of the chamberlain of the said city, on behalf of the said mayor, commonalty, and citizens.

CCXV. That if any person shall be arrested under or by virtue of a writ of *capias ad respondendum* issuing out of any of Her Majesty's courts of record, or out of any of the superior courts of record of either of the counties palatine, at the suit of the Queen's Majesty, her heirs and successors, and the sheriff or other officer shall take bail from such person, such sheriff or officer, at the request and costs of the prosecutor, shall assign to the Queen's Majesty, her heirs and successors, the bond taken from such person, by indorsing the same, and attesting the same under his hand and seal in the presence of two or more credible witnesses, which may be done without any stamp, provided the assignment so indorsed be duly stamped when any suit be commenced thereupon; and if such bail bond be forfeited such process shall thereupon issue as on bonds usually made to the Queen's Majesty, her heirs and successors, and the Court in which such bail bond is put in suit may, by rule or rules of the same court, give such relief to the defendant or defendants as is agreeable to justice and reason.

CCXVI. That no indictment shall be preferred for any offence against this or any other Act or Acts relating to the Customs or Excise, nor shall any suit be commenced for the recovery of any penalty or forfeiture for any such offence, (except in the case of persons detained and carried before one or more Justices in pursuance of this Act,) unless such indictment shall be preferred under the direction of the Commissioners of Her Majesty's Customs or Excise, or unless such suit shall be commenced in the name of Her Majesty's Attorney General for England or Ireland, or in the name of the Lord Advocate of Scotland, or in the name of some officer of Customs or Excise, under the direction of the said Commissioners respectively.

CCXVII. That if any prosecution whatever shall be commenced for the recovery of any fine, penalty, or forfeiture incurred by this or any other Act relating to the Customs or Excise, it shall be lawful for Her Majesty's Attorney General, or the Lord Advocate of Scotland, if he is satisfied that such fine, penalty, or forfeiture was incurred without any intention to evade, or that it is inexpedient to proceed in the said prosecution, to stop all further proceedings by entering a *nolle prosequi*, or otherwise, on such information, as well with respect to the share of such fine, penalty, or forfeiture to which any officer or officers may be entitled as to the Queen's share thereof.

CCXVIII. That if any goods shall be seized for non-payment of duties, or any other cause of forfeiture, and any dispute arise whether the Customs, Excise, or inland duties have been paid for the same, or the same have been lawfully imported, or concerning the place from whence such goods were brought, then and in such case the proof thereof shall be on the owner or claimer of such goods, and not on the officer who shall seize the same.

CCXIX. That no Justice of the Peace who is a collector or comptroller, or otherwise connected with the collection of the Customs or Excise, shall take cognizance of any matter relating to the summary conviction of persons offending against this or any other Act relating to the Customs.

CCXX. That in case of any information or proceedings had under this or any Act relating to the Customs, the averment that the Commissioners of Her Majesty's Customs or Excise have directed or elected such information or proceedings to be instituted, or that any vessel is foreign, or belonging wholly or in part to Her Majesty's subjects, or that any person detained or found on board any vessel or boat liable to seizure is or is not a subject of Her Majesty, or that any person is an officer of the Customs, and where the offence is committed in any port in the United Kingdom the naming such port in any information or proceedings, shall be sufficient, without proof as to such fact or facts, unless the defendant in such case shall prove to the contrary.

CCXXI. That all persons employed for the prevention of smuggling, under the direction of the Commissioners of Her Majesty's Customs, or of any officer or officers in the service of the Customs, shall be deemed and taken to be duly employed for the prevention of smuggling, and the averment in any information or suit that such party was so duly employed shall be sufficient proof thereof, unless the defendant in such information or suit shall prove to the contrary.

CCXXII. That if upon any trial a question shall arise whether any person is an officer of the army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or an officer of Customs or Excise, evidence of his having acted as such shall be deemed sufficient, and such person shall not be required to produce his commission or deputation, unless sufficient proof shall be given to the contrary; and every such officer, and any person acting in his aid or assistance, shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to the whole or any part of such seizure or penalty, or to any reward upon the conviction of the party charged in such suit or information.

CCXXIII. That upon the trial of any issue, or upon any judicial hearing or investigation, touching any penalty or forfeiture under any law or laws relating to the Customs or Excise, or to the law of navigation, where it may be necessary to give proof of any order issued by the Commissioners of Her Majesty's Treasury, or by the Commissioners of Her Majesty's Customs or Excise respectively, the order, or any letter or instructions referring thereto, which shall have been officially received by any officer of Customs or Excise for his government, and under which he shall have acted as such officer, shall be admitted and taken as sufficient evidence and proof of such order to all intents and purposes whatsoever.

CCXXIV. That all suits, indictments, or informations exhibited for any offence against this or any other Act relating to the Customs in any of Her Majesty's courts of record at Westminster or in Dublin, or in Edinburgh, or in the royal courts of Guernsey, Jersey, Alderney, Sark, or Man, shall and may be had, brought, sued, or exhibited within three years next after the date of the offence committed, and shall and may be exhibited before any one or more Justices of the Peace within six months next after the date of the offence committed.

CCXXV. Provided and enacted, That where any person shall have been detained for any offence against this or any Act relating to the Customs, and shall have made his escape from custody, an information may be exhibited before one or more Justices of the Peace against such person for such offence at any time afterwards, although more than six months shall have expired.

CCXXVI. That any indictment or information for any offence against this or any other Act relating to the Customs shall and may be inquired of, examined, tried, and determined in any county of England where the offence is committed in England, and in any county in Scotland where the offence is committed in Scotland, and in any county in Ireland where the offence is committed in Ireland, in such manner and form as if the offence had been committed in the said county where the said indictment or information shall be tried.

And after reciting, that by an Act, 2 & 3 Vict., intituled, 'An Act for further improving the Police in and near the Metropolis,' it is enacted, that after the passing of that Act all summonses and warrants to be issued in any criminal proceeding within the metropolitan police district, or by any magistrate within the said district, shall be served and executed by a constable of the metropolitan police force, and by none other: And that it is expedient, in cases of proceedings instituted by direction of the Commissioners of Her Majesty's Customs or Excise, that such summonses or warrants should be executed by their respective officers;—

It is Enacted,

CCXXVII. That from and after the passing of this Act all such summonses and warrants shall and may be served and executed by any officer of the Customs or Excise, any Act now in force or hereafter to be made to the contrary in anywise notwithstanding.

CCXXVIII. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

#### SCHEDULE to which the foregoing Act refers.

##### No. 1.

*Form of Information before Justices of the Peace where a pecuniary Penalty is inflicted.*

County of	}	BE it remembered, That on the	Day of	in the Year of Our Lord
to wit.				
Customs to prefer	}	at	A. B., an Officer of Customs, who is directed by the Commissioners of Her Majesty's	Two of Her Majesty's Justices of the Peace in and
for				
Day of		to understand and be informed that C. D., within Six Months now last past, that is to say, on the	[here state the offence],	contrary to the Form of the Statute in the
Case made and provided, whereby the said C. D. hath forfeited for his said Offence the Sum of				Pounds.

## No. 1.

*Form of Warrant of Commitment to Gaol for a pecuniary Penalty.*

County of } To A.B., Officer of Customs, and to the Gaoler or Keeper of the at  
 to wit } in the  
 WHEREAS C.D. has this Day been duly convicted before us, Two of Her Majesty's  
 Justices of the Peace in and for upon the Information of A.B., an Officer of Customs, who was  
 directed by the Commissioners of Her Majesty's Customs to prefer the same, for that, within Six Months now last past, to  
 wit, on the Day of in the Year of our Lord [here state the  
*Offence as in the Information*]: And whereas we the said Justices did adjudge that the said C.D. had forfeited for his said  
*Offence* the Sum of Pounds, which said Sum of Pounds has not been paid: These are  
 therefore to require you the said A.B. forthwith to take, carry, and convey the said C.D. to the at  
 in the and to deliver him into the Custody of the Gaoler or Keeper of the said ;  
 and we the said Justices do hereby authorize and require you the said Gaoler or Keeper of the said Gaol to receive and take  
 the said C.D. into your Custody, and him safely to keep until he shall duly pay the said Sum of Pounds.  
 Given under our Hands and Seals at this Day of in the Year of our Lord .

## No. 1.

*Form of Conviction for a pecuniary Penalty.*

County of } BE it remembered, That on the Day of in the Year of  
 to wit } our Lord at an Information was exhibited by A.B., an Officer of  
 Customs, who was directed by the Commissioners of Her Majesty's Customs to prefer the same before us  
 Two of Her Majesty's Justices of the Peace in and for against C.D., which said Information  
 charged that the said C.D., within Six Months then last past, that is to say, on the Day of  
 in the Year of our Lord [here state the *Offence as in the Information*], contrary to the Form of the  
 Statute in that Case made and provided, whereby the said C.D. had forfeited for his said *Offence* the Sum of  
 Pounds, which *Offence* ["has been duly proved before us the said Justices," or "the Party has confessed himself to  
 be guilty of," as the Case may be]: We the said Justices do therefore convict the said C.D. of the said *Offence*, and do  
 adjudge that the said C.D. hath forfeited for his said *Offence* the Sum of Pounds. Given under our  
 Hands and Seals at this Day of in the Year of our Lord .

## No. 2.

*Form of Information before Justices of the Peace where the Penalty of hard Labour is inflicted.*

County of } BE it remembered, That on the Day of in the Year of our Lord  
 to wit } at A.B., an Officer of Customs, who is directed by the Commissioners of Her  
 Majesty's Customs to prefer this Information, gives us Two of Her Majesty's Justices of the Peace  
 to understand and be informed that C.D., within Six Months now last past, (that is to say,) on  
 the Day of in the Year of our Lord One thousand eight hundred and  
 [here state the *Offence*], contrary to the Form of the Statute in that Case made and provided, whereby the said C.D. hath for  
 his said *Offence* become liable to be imprisoned in a House of Correction, and there kept to hard Labour, for any Term  
 not less than Six nor greater than Nine Calendar Months.

## No. 2.

*Form of Conviction for the Penalty of hard Labour.*

County of } BE it remembered, That on the Day of in the Year of our Lord  
 to wit } at an Information was exhibited by A.B., an Officer of Customs, who  
 was directed by the Commissioners of Her Majesty's Customs to prefer the same before us, Two of Her  
 Majesty's Justices of the Peace in and for against C.D., which said Information charged that the said C.D.,  
 within Six Months then last past, (that is to say,) on the Day of in the Year of our Lord  
 [here state the *Offence as in the Information*], contrary to the Form of the Statute in that Case made and pro-  
 vided, whereby the said C.D. had for his said *Offence* become liable to be imprisoned in a House of Correction, and there kept  
 to hard Labour for any Term not less than Six nor greater than Nine Calendar Months, which *Offence* ["has been duly  
 proved before us the said Justices," or "the Party has confessed himself to be guilty of," as the Case may be]: We the said  
 Justices do therefore convict the said C.D. of the said *Offence*, and do adjudge that the said C.D. shall for his said *Offence*  
 be imprisoned in the House of Correction at in the County of and be there kept to hard  
 labour for the Period of Calendar Months. Given under our Hands and Seals at this  
 day of in the Year of our Lord .



## No. 2.

*Form of Warrant of Commitment for the Penalty of hard Labour.*

County of } To A.B., an Officer of Customs, and to the Gaoler or Keeper of the House of Correction in  
to wit } the County of  
WHEREAS C.D. has been this Day duly convicted before us, Two of Her Majesty's Justices  
of the Peace in and for upon the Information of A.B., an Officer of Customs, who was directed by the Com-  
missioners of Her Majesty's Customs to prefer the same, for that within Six Months now last past, to wit, on the  
Day of in the Year of our Lord [here state the Offence as in the Information]: And whereas  
we the said Justices did adjudge that the said C.D. should for his said Offence be imprisoned in the House of Correction at  
aforesaid, and be there kept to hard Labour for the Term of Calendar Months: These are  
therefore to require you the said A.B. forthwith to take, carry, and convey the said C.D. to the House of Correction at  
in the and deliver him into the Custody of the Gaoler or Keeper of the said House of Cor-  
rection; and we the said Justices do hereby authorize and require you the said Gaoler or Keeper of the said House of  
Correction to receive and take the said C.D. into your Custody, and to keep the said C.D. for the said Term of  
Calendar Months to hard Labour. Given under our Hands and Seals at this Day of  
in the Year of our Lord

## CAP. LXXXVIII.

## AN ACT for the Encouragement of British Shipping and Navigation.

(4th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. Commencement of Act.
2. Ships in which only enumerated goods of Europe may be imported.
3. Places from which only goods of Asia, Africa, or America may be imported.
4. Ships in which only goods of Asia, Africa, or America may be imported.—*Proviso.*
5. Manufacture deemed produce.
6. From Guernsey, &c.
7. Exports to Asia, &c., and to Guernsey, &c.
8. Coastwise.
9. Between Guernsey, Jersey, &c.
10. Between British possessions in Asia, &c.
11. Imports into British possessions in Asia, &c.
12. Her Majesty may, by Order in Council, declare that foreign goods may be imported into Hong Kong in any vessels.
13. No ship British unless registered and navigated as such.
14. But vessels under fifteen tons burden admitted in navigation upon rivers, &c., although not registered.—*Vessels under thirty tons for Newfoundland fishery, &c., need not be registered.*
15. Honduras ships to be as British in trade with United Kingdom and colonies in America.
16. Ship of any foreign country to be of the build of or prize to such country, or British-built, and owned and navigated by subjects of the country.
17. Master and Seamen not British, unless natural born or naturalised, or denizens, or subjects by conquest or cession, or having served in Her Majesty's ships of war.—*Natives of India not to be British seamen.—One British seaman to twenty tons sufficient to constitute a proper crew.*
18. Foreigners having served two years on board H.M.S. during war.
19. British ship not to depart British port unless duly navigated, &c.
20. Penalty for excess of foreign seamen.
21. Proportion of seamen may be altered by proclamation.
22. Goods prohibited only by navigation law may be imported for exportation.
23. Her Majesty may, by Order in Council, appoint ports in the British possessions abroad, wherein any goods imported in any vessel may be warehoused.
24. Forfeitures, how incurred.
25. Recovery of forfeitures.
26. Alteration of Act.

By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 54, whereby the laws for the encouragement of British shipping and navigation were consolidated: And that since the passing of the said Act divers parts of Acts for the further amendment of the law in that respect have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Act and parts of Acts should be consolidated into one Act;—

It is Enacted,

i. That from and after the passing of this Act the same shall come into and be and continue in full force for the purposes therein mentioned, except where any other commencement is herein particularly directed.

ii. That the several sorts of goods hereinafter enumerated, being the produce of Europe, (that is to say,) masts, timber, boards, tar, tallow, hemp, flax, currants, raisins, figs, prunes, olive oil, corn or grain, wine, brandy, tobacco, wool, shumac, madders, madder roots, barilla, brimstone, bark of oak, cork, oranges, lemons, linseed, rapeseed and clover seed, shall not be imported into the United Kingdom to be used therein, except in British ships, or in ships of the country of which the goods are the produce, or in ships of the country from which the goods are imported.

iii. That goods the produce of Asia, Africa or America, shall not be imported from Europe into the United Kingdom to be used therein, except the goods hereinafter mentioned; (that is to say,)

Goods the produce of the dominions of the Emperor of Morocco, which may be imported from places in Europe within the Straits of Gibraltar:

Goods the produce of Asia or Africa which (having been brought into places in Europe within the Straits of Gibraltar from or through places in Asia or Africa within those Straits, and not by way of the Atlantic Ocean,) may be imported from places in Europe within the Straits of Gibraltar:

Goods the produce of places within the limits of the East India Company's Charter, which (having been imported from those places into Gibraltar or Malta in British ships) may be imported from Gibraltar or Malta:

Goods taken by way of reprisal by British ships:

Bullion, diamonds, pearls, rubies, emeralds, and other jewels or precious stones.

iv. That goods the produce of Asia, Africa, or America shall not be imported into the United Kingdom to be used therein, in foreign ships, unless they be the ships of the country in Asia, Africa, or America of which the goods are the produce, and from which they are imported, except the goods hereinafter mentioned; (that is to say,)

Goods the produce of the dominions of the grand seignior in Asia or Africa, which may be imported from his dominions in Europe in ships of his dominions.

Raw silk and mohair yarn, the produce of Asia, which may be imported from the dominions of the Grand Seignior in the Levant seas, in ships of his dominions:

Bullion:

Provided always, that in case any treaty shall be made with any country having a port or ports within the Straits of Gibraltar, stipulating that such productions of Asia or Africa as may by law be imported into the United Kingdom from places in Europe within the Straits of Gibraltar in British ships shall also be imported from the ports of such country in the ships of such country, then and in every such case it shall be lawful to import such goods from the ports of such country in the ships of such country.

v. Provided and enacted, That all manufactured goods shall be deemed to be the produce of the country of which they are the manufacture.

vi. That no goods shall be imported into the United Kingdom from the islands of Guernsey, Jersey, Alderney, or Sark, except in British ships.

vii. That no goods shall be exported from the United Kingdom to any British possession in Asia, Africa, or America, nor to the islands of Guernsey, Jersey, Alderney, or Sark, except in British ships.

viii. That no goods or passengers shall be carried coastwise from one part of the United Kingdom to another, or from the United Kingdom to the Isle of Man, or from the Isle of Man to the United Kingdom, except in British ships.

ix. That no goods shall be carried from any of the islands of Guernsey, Jersey, Alderney, Sark, or Man to any other of such islands, nor from one part of any of such islands to another part of the same island, except in British ships.

x. That no goods shall be carried from any British possession in Asia, Africa, or America to any other of such possessions, nor from one part of any of such possessions to another part of the same, except in British ships.

xi. That no goods shall be imported into any British possession in Asia, Africa, or America in any foreign ships, unless they be ships of the country of which the goods are the produce, and from which the goods are imported.

xii. That it shall be lawful for Her Majesty from time to time, by any Order in Council, to declare that goods the growth, produce, or manufacture of any foreign country, may be imported into the island of Hong Kong from the same or any other foreign country, in vessels belonging to the same or any other foreign country, and however navigated, subject nevertheless such limitations and restrictions as shall be contained in any such Order in Council; and from and after the publication of any such Order in Council such goods may lawfully be so imported into the said island of Hong Kong according to the provisions of such order, and until the revocation thereof; and any such Order in Council may from time to time be altered or revoked by Her Majesty by any subsequent Order in Council.

xiii. That no ship shall be admitted to be a British ship unless duly registered and navigated as such, and that every British registered ship (so long as the registry of such ship shall be in force, or the certificate of such registry retained for use of such ship,) shall be navigated during the whole of every voyage (whether with a cargo or in ballast), in every part of the world, by a master who is a British subject, and by a crew whereof three-fourths at least are British seamen; and if such ship be employed in a coasting voyage from one part of the United Kingdom to another, or in a voyage between the United Kingdom and the islands of Guernsey, Jersey, Alderney, Sark, or Man, or from one of the said islands to another of the same, or from one part of either of them to another of the same, or be employed in fishing on the coasts of the United Kingdom or of any of the said islands, then the whole of the crew shall be British seamen.

xiv. Provided and enacted, That all British-built boats or vessels under fifteen tons burden, wholly owned and navigated

by British subjects, although not registered as British ships, shall be admitted to be British vessels in all navigation in the rivers and upon the coasts of the United Kingdom, or of the British possessions abroad, and not proceeding over sea, except within the limits of the respective colonial governments within which the managing owners of such vessels respectively reside; and that all British-built boats or vessels wholly owned and navigated by British subjects, not exceeding the burden of thirty tons, and not having a whole or a fixed deck, and being employed solely in fishing on the banks and shores of Newfoundland and of the parts adjacent, or on the banks and shores of the provinces of Canada, Nova Scotia, or New Brunswick, adjacent to the Gulf of Saint Lawrence, or on the North of Cape Canso, or of the islands within the same, or in trading coastwise within the said limits, shall be admitted to be British boats or vessels, although not registered, so long as such boats or vessels shall be solely so employed.

xv. Provided and enacted, That all ships built in the British settlements at Honduras, and owned and navigated as British ships, shall be entitled to the privileges of British registered ships in all direct trade between the United Kingdom or the British possessions in America and the said settlements, provided the master shall produce a certificate under the hand of the superintendent of those settlements that satisfactory proof has been made before him that such ship (describing the same) was built in the said settlements, and is wholly owned by British subjects: Provided also, that the time of the clearance of such ship from the said settlements for every voyage shall be indorsed upon such certificate by such superintendent.

xvi. That no ship shall be admitted to be a ship of any particular country, unless she be of the build of such country, or have been made prize of war to such country, or have been forfeited to such country under any law of the same made for the prevention of the slave trade, and condemned as such prize or forfeiture by a competent Court of such country, or be British-built (not having been a prize of war from British subjects to any other foreign country), nor unless she be navigated by a master who is a subject of such foreign country, and by a crew of whom three-fourths at least are subjects of such country, nor unless she be wholly owned by subjects of such country usually residing therein, or under the dominion thereof: Provided always, that the country of every ship shall be deemed to include all places which are under the same dominion as the place to which such ship belongs.

xvii. That no person shall be qualified to be a master of a British ship or to be a British seaman within the meaning of this Act, except the natural-born subjects of Her Majesty, or persons naturalized by any Act of Parliament, or made denizens by letters of denisation, or except persons who have become British subjects by virtue of conquest or cession of some newly acquired country, and who shall have taken the oath of allegiance to Her Majesty, or the oath of fidelity required by the treaty or capitulation by which such newly acquired country came into Her Majesty's possession, or persons who shall have served on board any of Her Majesty's ships of war in time of war for the space of three years: Provided always, that the natives of places within the limits of the East India Company's Charter, although under British dominion, shall not, upon the ground of being such natives, be deemed to be British seamen: Provided always, that every ship (except ships required to be wholly navigated by British seamen) which shall be navigated by one British seaman if a British ship, or one seaman of the country of such ship if a foreign ship, for every twenty tons of the burden of such ship, shall be deemed to be duly navigated, although the number of other seamen shall exceed one-fourth of the whole crew: Provided also, that nothing herein contained shall extend to repeal or alter the provisions of an Act 4 Geo. 4. c. 80. s. 21, for consolidating and amending the laws then in force with respect to trade from and to places within the limits of the East India Company's Charter, nor the provisions of an Act 3 & 4 Vict. c. 56, intituled 'An Act further to regulate the Trade of Ships built and trading within the Limits of the East India Company's Charter.'

xviii. Provided and enacted, That it shall be lawful for Her Majesty, by her royal proclamation during war, to declare that foreigners having served two years on board any of Her Majesty's ships of war in time of such war shall be British seamen within the meaning of this Act.

xix. That no British registered ship shall be suffered to depart any port in the United Kingdom, or any British possessions in any part of the world, (whether with a cargo or in ballast,) unless duly navigated: Provided always, that any British ships trading between places in America may be navigated by British negroes, and that ships trading eastward of the Cape of Good Hope, within the limits of the East India Company's Charter, may be navigated by Lascars, or other natives of countries within those limits.

xx. That if any British registered ship shall at any time have as part of the crew in any part of the world any foreign seamen not allowed by law, the master or owners of such ship shall for every such foreign seaman forfeit the sum of 10*l*.: Provided always, that if a due proportion of British seamen cannot be procured in any foreign port, or in any place within the limits of the East India Company's Charter, for the navigation of any British ship, or if such proportion be destroyed during the voyage by any unavoidable circumstance, and the master of such ship shall produce a certificate of such facts under the hand of any British Consul, or of two known British merchants if there be no Consul at the place where such facts can be ascertained, or from the British Governor of any place within the limits of the East India Company's Charter, or in the want of such certificate shall make proof of the truth of such facts to the satisfaction of the collector and comptroller of the Customs of any British port, or of any person authorised in any other part of the world to inquire into the navigation of such ship, the same shall be deemed to be duly navigated.

xxi. That if Her Majesty shall at any time by her royal proclamation declare that the proportion of British seamen necessary to the due navigation of British ships shall be less than the proportion required by this Act, every British ship navigated with the proportion of British seamen required by such proclamation shall be deemed to be duly navigated, so long as such proclamation shall remain in force.

xxii. Provided and enacted, That goods of any sort, or the produce of any place, not otherwise prohibited than by the law of navigation hereinbefore contained, may be imported into the United Kingdom from any place in a British ship, and from

any place, not being a British possession, in a foreign ship of any country, and however navigated, to be warehoused for exportation only, under the provisions of any law in force for the time being made for the warehousing of goods without payment of duty upon the first entry thereof.

XXIII. That it shall be lawful for Her Majesty from time to time, by any order in council, to declare that goods of any sort, or the produce of any place, not otherwise prohibited than by the law of navigation hereinbefore contained, may be imported into any port or ports of the British possessions abroad, to be named in such order, from any place in a British ship, and from any place not being a part of the British dominions in a foreign ship of any country, and however navigated, to be warehoused for exportation only, under the provisions of any law in force for the time being, made for the warehousing of goods without payment of duty upon the first entry thereof; and from and after the date of any such order it shall be lawful so to import, for the purpose of being warehoused for exportation only, any such goods into the port or ports named therein, according to the provisions of the said order, and until the revocation thereof; and any such order in council may from time to time be altered or revoked by Her Majesty by any subsequent order in council.

XXIV. That if any goods be imported, exported, or carried coastwise, contrary to the law of navigation, all such goods shall be forfeited, and the master of the ship in which the same are so imported, exported, or carried coastwise shall forfeit the sum of 100*l*.

XXV. That all penalties and forfeitures incurred under this Act shall be sued for, prosecuted, recovered, and disposed of, or shall be mitigated or restored, in like manner as any penalty or forfeiture can be sued for, prosecuted, recovered, and disposed of, or may be mitigated or restored under an Act passed in the present session of Parliament for the prevention of smuggling.

XXVI. That this Act may be amended or repealed by any Act or Acts to be passed in this present session of Parliament.

### CAP. LXXXIX.

#### AN ACT for the registering of *British Vessels*.

(4th August 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. *Commencement of Act.*
2. *No vessel to enjoy privileges until registered.—Form of certificate of registry.*
3. *Persons authorised to make registry, &c.—In United Kingdom and Isle of Man:—In Guernsey, &c.:—In colonies in Asia, Africa, and America:—In territories of East India Company:—In other places within limits of the Charter of East India Company:—In Malta, Gibraltar, &c.—Limitation as to vessels registered at Malta, Gibraltar, or Heligoland.—Certain powers of collectors and comptrollers, by whom to be exercised in certain cases.—Powers of Commissioners of Customs in United Kingdom given to governors, &c. abroad.*
4. *Ships exercising privileges before registry to be forfeited; but not to affect vessels registered under previous Acts.*
5. *What ships are entitled to be registered.*
6. *Mediterranean pass may be issued at Malta or Gibraltar for certain ships only.*
7. *Ships disqualified if foreign repairs exceed 20*s*. per ton, unless the necessity of such repairs be proved to Commissioners of Customs.*
8. *Ships declared unseaworthy to be deemed ships lost or broken up.*
9. *British ships captured not to be again entitled to registry; but ships condemned in Courts of Admiralty may be registered.*
10. *Ships shall be registered at the port to which they belong.—Commissioners of Customs may permit registry at other ports.—Book of registers to be kept, and accounts to be transmitted to Commissioners.*
11. *Port to which vessels shall be deemed to belong.—Change of subscribing owner to require registry de novo.—If registry de novo cannot be made, ship may go one voyage with permission indorsed on certificate of registry.—Ships built in foreign possessions for owners resident in United Kingdom may have a certificate from the collector, &c. to trade for two years or until arrival in United Kingdom.*
12. *Foreigners and persons residing in foreign countries may not be owners, unless members of British factories, or agents for or partners in British houses.*
13. *Declaration to be made by subscribing owners previous to registry.—Form of declaration.—Declaration by corporation.*
14. *Addition to declaration in case the required number of owners do not attend.*
15. *Vessels to be surveyed previous to registry.—Certificate of survey to be given.—Owner or master concurring therein.*
16. *The rule by which tonnage of vessels is to be ascertained.*
17. *Mode of ascertaining tonnage of steam vessels.*
18. *Length and cubical contents of engine room to be set forth in description of steam vessel.*

Survey.

## Survey.

## Registry.

## Transfers.

19. Rule for measuring ships with cargoes on board.
20. Amount of registered tonnage to be carved on main beam.
21. Not to alter tonnage of vessels already registered.
22. Tonnage when so ascertained to be ever after deemed the tonnage.
23. Bond to be given at the time of registry.—Conditions that the certificate shall be solely made use of for the service of the vessel, or given up to be cancelled, in certain cases.—If ship at the time of registry be at any other port than that of registry, the master may there give bond.
24. When master is changed, new master to give similar bond, and his name to be indorsed on certificate of registry.
25. Bonds liable to same duties as bonds for Customs.
26. Certificate of registry to be given up by all persons as directed by the bond.
27. Name of vessel which has been registered never afterwards to be changed, and to be painted on the stern.—Penalty for omission, 100*l*.
28. Builder's certificate of particulars of ship.—Declaration to be made thereto.—Power to Commissioners of Customs to dispense with builder's certificate.
29. Certificate of registry lost or mislaid.—Commissioners may permit registry de novo, or grant licence.
30. Persons detaining certificate of registry to forfeit 100*l*.
31. Ship altered in certain manner to be registered de novo.
32. Vessels condemned as prize, or for breach of laws against slave trade, certificate of condemnation to be produced.
33. Prize vessels not to be registered at Guernsey, Jersey, or Man, but at certain ports.
34. Transfer of interest to be made by bill of sale.
35. Property in ships to be divided into sixty-four parts or shares.
36. Only thirty-two persons to be owners of any ship at one time.—Joint-stock companies.—Trustees may apply to have registry made.
37. Bills of sale not effectual until produced to officers of Customs, and entered in the book of registry or of intended registry.—Form of indorsement.
38. Entry of bill of sale to be valid, except in certain cases.
39. When a bill of sale has been entered for any shares, thirty days shall be allowed for indorsing the certificate of registry before any other bill of sale for the same shall be entered.—Nature of the priority intended in this Act.—Provision in case certificate be mislaid.
40. Bills of sale may be produced after entry at other ports than those to which vessels belong, and transfers indorsed on certificate of registry.—Previous notice to be given to officers at the port of registry.
41. If upon registry de novo any bill of sale shall not have been recorded, it shall then be produced.
42. Upon change of property registry de novo may be granted if desired, although not required by this Act.
43. Copies of declarations, &c., and of extracts from books of registry, admitted in evidence.
44. If vessels or shares sold in the absence of owners, without formal powers, Commissioners may permit record of such sales or registry de novo, as the case may require; and also in other cases where bills of sale cannot be produced; security being given to produce legal powers, or abide future claims.
45. Transfer by way of mortgage.—Mortgages not to be deemed an owner.
46. Transfers of ships for security of debts being registered, rights of mortgagees not affected by any Act of bankruptcy of mortgagor, &c.
47. Governors of colonies, &c. may cause proceedings in suits to be stayed.
48. Penalty for making false declaration or falsifying any document.
49. Owners of British vessels to give notice to collectors of Customs at the port of registry of the loss, &c. of such vessels.
50. Or if vessels absent from the port of registry for three years, to state the cause.
51. Failing to give such notices, &c., to forfeit 5*l*.
52. How penalties are to be recovered; and officers' shares.
53. Alteration of Act.

## By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 55, whereby the laws in relation to the registration of British vessels were consolidated: And that since the passing of the said Act divers parts of Acts for the further amendment of the law in that respect have been found necessary, and it will be of advantage to trade and commerce that the said Act and parts of Acts should be consolidated into one Act:—

## It is Enacted,

I. That from and after the passing of this Act the same shall come into and continue in full force for the purposes therein mentioned, except where any other commencement is herein particularly directed.

II. That no ship or vessel shall be entitled to any of the privileges or advantages of a British-registered ship, unless the person or persons claiming property therein shall have caused the same to have been registered in virtue of the said Act, or of an Act, 6 Geo. 4. c. 110, intituled, 'An Act for registering British Vessels,' or of an Act, 4 Geo. 4. c. 41, intituled, 'An Act for the registering of British Vessels,' or until such person or persons shall have caused the same to be registered in manner

hereinafter mentioned, and shall have obtained a certificate of such registry from the person or persons authorized to make such registry and grant such certificate as hereinafter directed; the form of which certificate shall be as follows; (*videlicet*,) "This is to certify, That in pursuance of an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of Reign of the Queen Victoria, intituled, *An Act [here insert the title of this Act, the Names, Occupations, and Residence of the subscribing Owners]*, having made and subscribed the Declaration required by the said Act, and having declared that [he or they], together with [Names, Occupations, and Residence of non-subscribing Owners] is [or are] sole Owner [or Owners] in the Proportions specified on the Back hereof of the Ship or Vessel called the [Ship's Name] of [Place to which the Vessel belongs], which is of the burden of [Number of Tons], and whereof [Master's Name] is Master, and that the said Ship or Vessel was [when and where built, or condemned as Prize, referring to Builder's Certificate, Judge's Certificate, or Certificate of last Registry, then delivered up to be cancelled], and [Name and Employment of Surveying Officer] having certified to us that the said Ship or Vessel has [Number] Decks and [Number] Masts, that her Length from the inner Part of the Main Stem to the fore Part of the Stern-post aloft is [Feet Tenths], her Breadth in Midships is [Feet Tenths], her Depth in Hold at Midships is [Feet Tenths], that she is [how rigged] rigged, with a [standing or running] Bowsprit, is [Description of Stern] sterned, [Carvel or Clincher] built, has [whether any or not] Gallery, and [Kind of Head, if any] Head; and the said subscribing Owners having consented and agreed to the above Description, and having caused sufficient Security to be given as required by the said Act, the said Ship or Vessel called the [Name] has been duly registered at the Port of [Name of Port]. Certified under our Hands at the Custom House in the said Port of [Name of Port], this [Date] Day of [Name of Month] in the Year [Words at Length].

"(Signed)  
"(Signed)

Collector.  
Comptroller."

And on the Back of such Certificate of Registry there shall be an Account of the Parts or Shares held by each of the Owners mentioned and described in such certificate, in the Form and Manner following:

Names of the several Owners within mentioned.	Number of Sixty-fourth Shares held by each Owner.
[Name] . . . . .	Thirty-two.
[Name] . . . . .	Sixteen.
[Name] . . . . .	Eight.
[Name] . . . . .	Eight.

(Signed)  
(Signed)

Comptroller.  
Collector.

111. That the persons authorized and required to make such registry and grant such certificates shall be the several persons hereinafter mentioned and described; (that is to say,)

The collector and comptroller of Her Majesty's Customs in any port in the United Kingdom of Great Britain and Ireland and in the Isle of Man respectively, in respect of ships or vessels to be there registered:

The principal officers of Her Majesty's Customs in the islands of Guernsey or Jersey, together with the governor, lieutenant governor, or commander-in-chief of those islands respectively, in respect of ships or vessels to be there registered:

The collector or comptroller of Her Majesty's Customs of any port of the British possessions in Asia, Africa, and America, or the collector of any such port at which no appointment of a comptroller has been made, in respect of ships or vessels to be there registered:

The collector of duties at any port in the territories under the government of the East India Company, within the limits of the charter of the said company, or any other person of the rank in the said company's service of senior merchant, or of six years' standing in the said service, being respectively appointed to act in the execution of this Act by any of the governments of the said company, in respect of ships or vessels to be there registered:

The collector of duties at any British possession within the said limits, and not under the government of the said company, and at which a custom house is not established, together with the governor, lieutenant governor, or commander-in-chief of such possession, in respect of ships or vessels to be there registered:

The governor, lieutenant governor, or commander-in-chief of Malta, Gibraltar, and Heligoland respectively, in respect of vessels or ships to be there registered:

Provided always, that no ship or vessel shall be registered at Heligoland, except such as is wholly of the build of that place, and that ships or vessels registered at Malta, Gibraltar, or Heligoland shall not be registered elsewhere; and that ships or vessels registered at Malta, Gibraltar, or Heligoland shall not be entitled to the privileges and advantages of British ships any trade between the said United Kingdom and any of the British possessions in America: Provided also, that wherever and by this Act it is directed or provided that any act, matter, or thing shall and may be done or performed by, to, or with the collector and comptroller of Her Majesty's Customs, the same shall or may be done or performed by, to, or with the several persons respectively hereinbefore authorized and required to make registry and to grant certificates of registry as aforesaid, and according as the same act, matter, or thing is to be done or performed at the said several and respective places, and within the jurisdiction of the said several persons respectively: Provided also, that wherever in and by this Act it is directed or provided that any act, matter, or thing shall or may be done or performed by, to, or with the Commissioners of Her Majesty's Customs, the same shall or may be done or performed by, to, or with the governor, lieutenant governor,

or commander-in-chief of any place where any ship or vessel may be registered under the authority of this Act, so far as such act, matter, or thing can be applicable to the registering of any ship or vessel at such place.

iv. That in case any ship or vessel not being duly registered, and not having obtained such certificate of registry as aforesaid, shall exercise any of the privileges of a British ship, the same shall be subject to forfeiture, and also all the guns, furniture, ammunition, tackle, and apparel to the same ship or vessel belonging, and shall and may be seized by any officer or officers of Her Majesty's Customs: Provided always, that nothing in this Act shall extend or be construed to extend to affect the privileges of any ship or vessel duly registered prior to the commencement thereof.

v. That no ship or vessel shall be registered, or having been registered shall be deemed to be duly registered by virtue of this Act, except such as are wholly of the build of the said United Kingdom, or of the Isle of Man, or of the islands of Guernsey or Jersey, or of some of the colonies, plantations, islands, or territories in Asia, Africa, or America, or of Malta, Gibraltar or Heligoland, which belonged to Her Majesty, her heirs or successors, at the time of the building of such ships or vessels, or such ships or vessels as shall have been condemned in any Court of Admiralty as prize of war, or such ships or vessels as shall have been condemned in any competent court as forfeited for the breach of the laws made for the prevention of the slave trade, and which shall wholly belong and continue wholly to belong to Her Majesty's subjects duly entitled to be owners of ships or vessels registered by virtue of this Act.

vi. That no Mediterranean pass shall be issued for the use of any ship as being a ship belonging to Malta or Gibraltar except such as being duly registered at those places respectively, or such as, not being entitled to be so registered, shall have wholly belonged, before the 10th of October 1827, and shall have continued wholly to belong, to persons actually residing at those places respectively as inhabitants thereof, and entitled to be owners of British ships there registered, or who, not being so entitled, shall have so resided upwards of fifteen years prior to the said 10th of October 1827.

vii. That no ship or vessel shall continue to enjoy the privileges of a British ship after the same shall have been repaired in a foreign country, if such repairs shall exceed the sum of 20s. for every ton of the burden of the said ship or vessel, unless such repairs shall have been necessary, by reason of extraordinary damage sustained by such ship or vessel during her absence from Her Majesty's dominions, to enable her to perform the voyage in which she shall have been engaged, and to return to some port or place in the said dominions; and whenever any ship or vessel which has been so repaired in a foreign country shall arrive at any port in Her Majesty's dominions as a British-registered ship or vessel, the master or other person having the charge or command of the same shall, upon the first entry thereof, report to the collector and comptroller of Her Majesty's Customs at such port that such ship or vessel has been so repaired, under penalty of 20s. for every ton of the burden of such ship or vessel, according to the admeasurement thereof; and if it shall be proved to the satisfaction of the Commissioners of Her Majesty's Customs that such ship or vessel was seaworthy at the time when she last departed from any port or place in Her Majesty's dominions, and that no greater quantity of such repairs have been done to the said vessel than was necessary as aforesaid, it shall be lawful for the said Commissioners, upon a full consideration of all the circumstances, to direct the collector and comptroller of the port where such ship or vessel shall have arrived, or where she shall then be, to certify on the certificate of the registry of such ship or vessel that it has been proved to the satisfaction of the Commissioners of Her Majesty's Customs that the privileges of the said ship or vessel have not been forfeited, notwithstanding the repairs which have been done to the same in a foreign country.

viii. That if any ship or vessel registered under the authority of this or any other Act shall be deemed or declared to be stranded or unseaworthy, and incapable of being recovered or repaired to the advantage of the owners thereof, and shall for such reasons be sold by order or decree of any competent Court for the benefit of the owners of such ship or vessel or other persons interested therein, the same shall be taken and deemed to be a ship or vessel lost or broken up to all intents and purposes within the meaning of this Act, and shall never again be entitled to the privileges of a British-built ship for any purposes of trade or navigation.

ix. That no British ship or vessel which has been or shall hereafter be captured by and become prize to an enemy, or sold to foreigners, shall again be entitled to the privileges of a British ship: Provided always, that nothing contained in this Act shall extend to prevent the registering of any ship or vessel whatever which shall afterwards be condemned in any Court of Admiralty as prize of war, or in any competent Court, for breach of laws made for the prevention of the slave trade.

x. That no such registry shall hereafter be made, or certificate thereof granted, by any person or persons hereinbefore authorized to make such registry and grant such certificate, in any other port or place than the port or place to which such ship or vessel shall properly belong, except so far as relates to such ships or vessels as shall be condemned as prizes in any of the islands of Guernsey, Jersey, or Man, which ships or vessels shall be registered in manner hereinafter directed; but all and every registry and certificate made and granted in any port or place to which any such ship or vessel does not properly belong shall be utterly null and void to all intents and purposes, unless the officers aforesaid shall be specially authorized and empowered to make such registry and grant such certificate in any other port by an order in writing under the hands of the Commissioners of Her Majesty's Customs, which order the said Commissioners are hereby authorized and empowered to issue if they shall see fit; and at every port where registry shall be made in pursuance of this Act a book shall be kept by the collector and comptroller, in which all the particulars contained in the form of the certificate of the registry hereinbefore directed to be used shall be duly entered; and every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year; and such collector and comptroller shall forthwith, or within one month at the farthest, transmit to the Commissioners of Her Majesty's Customs a true and exact copy, together with the number of every certificate which shall be by them so granted.

xi. That every ship or vessel shall be deemed to belong to some port at or near to which some or one of the owners, who shall make and subscribe the declaration required by this Act before registry be made, shall reside; and whenever such owner or owners shall have transferred all his or their share or shares in such ship or vessel, the same shall be registered at

now before such ship or vessel shall sail or depart from the port to which she shall then belong, or from any other port which shall be in the same part of the United Kingdom, or the same colony, plantation, island, or territory, as the said port shall be in: Provided always, that if the owner or owners of such ship or vessel cannot in sufficient time comply with the requisites of this Act, so that registry may be made before it shall be necessary for such ship or vessel to sail or depart upon another voyage, it shall be lawful for the collector and comptroller of the port where such ship or vessel may then be to certify upon the back of the existing certificate of registry of such ship or vessel that the same is to remain in force for the voyage upon which the said ship or vessel is then about to sail or depart: Provided also, that if any ship or vessel shall be built in any of the colonies, plantations, islands, or territories in Asia, Africa, or America, to Her Majesty belonging, for owners residing in the United Kingdom, and the master of such ship or vessel, or the agent for the owner or owners thereof, shall have produced to the collector and comptroller of the port at or near to which such ship or vessel was built the certificate of the builder required by this Act, and shall have made and subscribed a declaration before such collector and comptroller of the names and descriptions of the principal owners of such ship or vessel, and that she is the identical ship or vessel mentioned in such certificate of the builder, and that no foreigner, to the best of his knowledge and belief, has any interest therein, the collector and comptroller of such port shall cause such ship or vessel to be surveyed and measured in like manner as is directed for the purpose of registering any ship or vessel, and shall give the master of such ship or vessel a certificate under their hands and seals, purporting to be under the authority of this Act, and stating when and where and by whom such ship or vessel was built, the description, tonnage, and other particulars required on registry of any ship or vessel, and such certificate shall have all the force and virtue of a certificate of registry under this Act, during the term of two years, unless such ship shall sooner arrive at some place in the United Kingdom; and such collector and comptroller shall transmit a copy of such certificate to the Commissioners of Her Majesty's Customs.

XII. That no person who has taken the oath of allegiance to any foreign State, except under the terms of some capitulation, unless he shall afterwards become a denizen or naturalized subject of the United Kingdom by Her Majesty's letters patent or by Act of Parliament, nor any person usually residing in any country not under the dominion of Her Majesty, her heirs and successors, unless he be a member of some British factory, or agent for or partner in any house or copartnership actually carrying on trade in Great Britain or Ireland, shall be entitled to be the owner, in whole or in part, directly or indirectly, of any ship or vessel required and authorized to be registered by virtue of this Act.

XIII. That no registry shall henceforth be made or certificate granted until the following declaration be made and subscribed, before the person or persons hereinbefore authorized to make such registry and grant such certificate respectively, by the owner of such ship or vessel if such ship or vessel is owned by or belongs to one person only, or in case there shall be two joint owners, then by both of such joint owners if both shall be resident within twenty miles of the port or place where such registry is required, or by one of such owners if one or both of them shall be resident at a greater distance from such port or place, or if the number of such owners or proprietors shall exceed two, then by the greater part of the number of such owners or proprietors if the greater number of them shall be resident within twenty miles of such port or place as aforesaid, not in any case exceeding three of such owners or proprietors, unless a greater number shall be desirous to join in making and subscribing the said declaration, or by one of such owners if all, or all except one, shall be resident at a greater distance:

I A. B. of [Place of Residence and Occupation] do truly declare, That the Ship or Vessel [Name] of [Port or Place], whereof Master's Name] is at present Master, being [Kind of Build, Burden, et cetera, as is described in the Certificate of the Surveying Officer], was [when and where built, or, if Prize or forfeited, Capture and Condemnation as such], and that I the said A. B. [and other Owners Names and Occupations, if any, and where they respectively reside, (videlicet,) Town, Place, or Parish, and county, or if Member of and resident in any Factory in Foreign Parts, or in any Foreign Town or City, being an Agent for or Partner any House or Copartnership actually carrying on Trade in Great Britain or Ireland, the Name of such Factory, Foreign Town, City, and the Names of such House or Copartnership] am [or are] sole Owner [or Owners] of the said Vessel, and that no other person or Persons whatever hath or have any Right, Title, Interest, Share, or Property therein or thereto; and that I the said A. B. [and the said other Owners, if any,] am [or are] truly and bona fide a Subject [or Subjects] of Great Britain, and that I the said A. B. have not [nor have any of the other Owners, to the best of my Knowledge and Belief,] taken the Oath of Allegiance to any Foreign State whatever [except under the Terms of some Capitulation, describing the particulars thereof], or that since my taking [or his or their taking] the Oath of Allegiance to [naming the Foreign States respectively to which he or any of the said owners shall have taken the same] I have [or he or they hath or have] become a Denizen [or Denizens, or naturalized Subject Subjects, as the case may be,] of the United Kingdom of Great Britain and Ireland by Her Majesty's Letters Patent, or by Act of Parliament [naming the Times when such Letters of Denization have been granted respectively, or the Year or Years in which such Act or Acts for Naturalization have passed respectively], and that no Foreigner, directly or indirectly, hath any Share or Part Interest in the said Ship or Vessel:"

Provided always, that if it shall become necessary to register any ship or vessel belonging to any corporate body in the United Kingdom, the following declaration in lieu of the declaration hereinbefore directed shall be taken and subscribed by the Mayor or other proper officer of such corporate body, (that is to say,)

A. B., Secretary [or Officer] of [Name of Company or Corporation], do truly declare, That the Ship or Vessel [Name] of [Port or Place] whereof [Master's Name] is at present Master, being [Kind of Build, Burden, et cetera, as described in the Certificate of the Surveying Officer], was [when and where built, or, if Prize or forfeited, Capture and Condemnation as such], and that the same wholly and truly belong to [Name of Company or Corporation]."

IV. That in case the required number of joint owners or proprietors of any ship or vessel shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner or owners, proprietor or proprietors, as shall personally attend and make and subscribe the declaration aforesaid, shall further be that the part owner or part owners of such ship or vessel then absent is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief, wilfully absented himself or themselves in



order to avoid the making the declaration hereinbefore directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe the said declaration.

And in order to enable the collector and comptroller of Her Majesty's Customs to grant a certificate truly and accurately describing every ship or vessel to be registered in pursuance of this Act, and also to enable all other officers of Her Majesty's Customs, on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alleged to have been granted:—

It is Enacted,

xv. That previous to the registering or granting of any certificate of registry as aforesaid some one or more person or persons appointed by the Commissioners of Her Majesty's Customs (taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships,) shall go on board of every such ship or vessel as is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel as to all and every particular contained in the form of the certificate hereinbefore directed, in the presence of the master or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description, and admeasurement of every such ship or vessel as are specified in the form of the certificate above recited to the collector and comptroller authorized as aforesaid to make such registry and grant such certificate of registry; and the said master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate of such surveying or examining officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

xvi. That from and after the commencement of this Act the tonnage of every ship or vessel required by law to be registered shall, previous to her being registered, be measured and ascertained while her hold is clear, and according to the following rule; (that is to say,) divide the length of the upper deck between the after part of the stem and the fore part of the stern-post into six equal parts; depths, at the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the under side of the upper deck to the ceiling at the limber strake; in the case of a break in the upper deck the depths are to be measured from a line stretched in a continuation of the deck; breadths, divide each of those three depths into five equal parts, and measure the inside breadths at the following points; (*vide licet*;) at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth; length, at half the midship depth measure the length of the vessel from the after part of the stem to the fore part of the stern-post; then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths; add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths; then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by 3,500, which will give the number of tons for register; if the vessel have a poop or half deck or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulkhead; multiply these three measurements together, and dividing the product by 92·4, the quotient will be the number of tons to be added to the result as above found; in order to ascertain the tonnage of open vessels the depths are to be measured from the upper edge of the upper strake.

xvii. Provided and enacted, That in each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the tonnage due to the cubical contents of the engine-room shall be deducted from the total tonnage of the vessel as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship or vessel; the tonnage due to the cubical contents of the engine-room shall be determined in the following manner; (that is to say,) measure the inside length of the engine-room in feet in decimal parts of a foot from the foremost to the aftermost bulkhead, then multiply the said length by the depth of the ship or vessel at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck, taken as aforesaid, and divide the last product by 92·4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine-room.

xviii. Provided and enacted, That the tonnage due to the cubical contents of the engine-room, and also the length of the engine-room, shall be set forth in the certificate of registry as part of the description of the ship or vessel, and that any alteration of such tonnage due to the cubical contents of the engine-room, or of such length of the engine-room after registration shall be deemed to be an alteration requiring registry *de novo* within the meaning of this Act.

xix. That for the purpose of ascertaining the tonnage of all such ships as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed, and is hereby established; (that is to say,) measure first the length on the upper deck between the after part of the stem and the fore part of the stern-post; secondly, the inside breadth at the under side of the upper deck at the middle point of the length; and thirdly, the depth from the under side of the upper deck down the pump well to the skin; multiply these three dimensions together, and divide the product by 194, and the quotient will be the amount of the register tonnages of such ships; if the vessel have a poop or half deck or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulkhead, multiply these three measurements together, and, dividing the product by 92·4 the quotient will be the number of tons to be added to the result above found.

xx. That the true amount of the register of tonnage of every ship or vessel required by law to be registered, ascertained according to the rule by this Act established, shall be deeply carved or cut in figures at least three inches in length on the main beam of every such ship or vessel prior to her being registered.

xxi. That nothing herein contained shall extend to alter the present measure of tonnage of any ship or vessel which shall have been registered prior to the commencement of this Act, unless in cases where the owners of any such ships shall require

to have their tonnage established according to the rule hereinbefore provided, or unless there shall be occasion to have any such ship admeasured again on account of any alteration which shall have been made in the form or burden of the same, in which cases only such ships shall be readmeasured according to the said rule, and their tonnage registered accordingly.

XXII. That whenever the tonnage of any ship or vessel shall have been ascertained according to the rules herein prescribed, such account of tonnage shall ever after be deemed the tonnage of such ship or vessel, and shall be repeated in every subsequent registry of such ship or vessel, unless it shall happen that any alteration has been made in the form and burden of such ship or vessel, or it shall be discovered that the tonnage of such ship or vessel had been erroneously taken and computed.

XXIII. That at the time of the obtaining of the certificate of registry as aforesaid sufficient security by bond shall be given to Her Majesty, her heirs and successors, by the master and such of the owners as shall personally attend as is hereinbefore required, such security to be approved of and taken by the person or persons hereinbefore authorized to make such registry, and grant such certificate of registry, at the port or place in which such certificate shall be granted, in the penalties following; (that is to say,) if such ship or vessel shall be a decked vessel, or be above the burden of fifteen tons, and not exceeding fifty tons, then in the penalty of 100*l.*; if exceeding the burden of fifty tons, and not exceeding one hundred tons, then in the penalty of 300*l.*; if exceeding the burden of one hundred tons, and not exceeding two hundred tons, then in the penalty of 500*l.*; if exceeding the burden of two hundred tons, and not exceeding three hundred tons, then in the penalty of 800*l.*; and if exceeding the burden of three hundred tons, then in the penalty of 1,000*l.*; and the condition of every such bond shall be, that such certificate shall not be sold, lent, or otherwise disposed of to any person or persons whatever, and that the same shall be solely made use of for the service of the ship or vessel for which it is granted; and that in case such ship or vessel shall be lost or taken by the enemy, burnt or broken up, or otherwise prevented from returning to the port to which she belongs, or shall on my account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt, and sold by due process of law, or shall have been sold to the Crown, or shall under any circumstances have been registered *de novo*, the certificate, if preserved, shall be delivered up within one month after the arrival of the master in any port or place in Her Majesty's dominions to the collector and comptroller of some port in Great Britain, or of the Isle of Man, or of the British plantations, or to the governor, lieutenant governor, or commander-in-chief for the time being of the islands of Guernsey or Jersey; and that if any foreigner, or any person or persons or the use and benefit of any foreigner, shall purchase or otherwise become entitled to the whole or to any part or share of or my interest in such ship or vessel, and the same shall be within the limits of any port of Great Britain, or of the islands of Guernsey, Jersey, or Man, or of the British colonies, plantations, islands, or territories aforesaid, then and in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the person or persons hereinbefore authorized to make registry, and grant certificate of registry, at such port or place respectively as aforesaid; and if such ship or vessel shall be in any foreign port when such purchase or transfer of property shall take place, then that the certificate shall be delivered up to the British consul or other chief British officer resident at or nearest to such foreign port, or if such ship or vessel shall be at sea when such purchase or transfer of property shall take place, then that the certificate shall be delivered up to the British consul or other chief British officer at the foreign port or place in or at which the master or other person having or taking the charge or command of such ship or vessel shall first arrive for such purchase or transfer of property at sea, immediately after his arrival at such foreign port; but if such master or her person who had the command thereof at the time of such purchase or transfer of property at sea shall not arrive at a foreign port, but shall arrive at some port of Great Britain, or of the islands of Guernsey, Jersey, or Man, or of Her Majesty's colonies, plantations, islands, or territories, then that the certificate shall be delivered up in manner aforesaid within four days after the arrival of such ship or vessel, or of the person who had the command thereof in any port of Great Britain, or of the islands of Guernsey, Jersey, or Man, or of any of Her Majesty's said colonies, plantations, islands, or territories: provided always, that if it shall happen that at the time of registry of any ship or vessel the same shall be at any other port in the port to which she belongs, so that the master of such ship or vessel cannot attend at the port of registry to join with the owner or owners in such bond as aforesaid, it shall be lawful for him to give a separate bond to the like effect at the port where such ship or vessel may then be, and the collector and comptroller of such other port shall transmit such bond to the collector and comptroller of the port where such ship or vessel is to be registered; and such bond, and the bond also given by the owner or owners, shall together be of the same effect against the master and owner or owners, or either of them, as if they had bound themselves jointly and severally in one bond.

XXIV. That when and so often as the master or other person having or taking the charge or command of any ship or vessel, registered in manner hereinbefore directed, shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons hereinbefore authorized to make such registry, and grant such certificates of registry, at the port where such change shall take place, the certificate of registry belonging to such ship or vessel, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registry which is hereby directed and required to be kept, and shall forthwith give notice thereof to the Commissioners of Her Majesty's Customs: Provided always, that before the name of such new master shall be indorsed on the certificate of registry he shall be required to give and shall give a bond in the like penalties and under the same conditions as are contained in the bond hereinbefore required to be given at the time of registry of any ship or vessel.

XXV. That all bonds required by this Act shall be liable to the same duties of stamps as bonds given for or in respect of the duties of Customs are or shall be liable to under any Act for the time being in force for granting duties of stamps.

XXVI. That if any person whatever shall at any time have possession of and wilfully detain any certificate of registry granted by this or any other Act, which ought to be delivered up to be cancelled, according to any of the conditions of the bond hereinbefore required to be given upon the registry of any ship or vessel, such person is hereby required and enjoined to deliver such certificate of registry in manner directed by the conditions of such bond in the respective cases and under the respective penalties therein provided.

XXVII. That it shall not be lawful for any owner or owners of any ship or vessel to give any name to such ship or vessel other than that by which she was first registered in pursuance of this or any other Act; and the owner or owners of all and every ship or vessel which shall be so registered shall, before such ship or vessel after such registry shall begin to take in any cargo, paint or cause to be painted in white or yellow letters, of a length of not less than four inches, upon a black ground, upon some conspicuous part of the stern, the name by which such ship or vessel shall have been registered, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same; and if such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall permit such ship or vessel to begin to take in any cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done, (unless in the case of square-rigged vessels in time of war,) or shall, in any written or printed paper or other document describe such ship or vessel by any name other than that by which she was first registered, or shall verbally describe or cause or procure or permit such ship or vessel to be described by any other name to any officer or officers of Her Majesty's revenue in the due execution of his or their duty, then and in every such case such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall forfeit the sum of 100*l*.

XXVIII. That all and every person and persons who shall apply for a certificate of the registry of any ship or vessel shall and they are hereby required to produce to the person or persons authorized to grant such certificate a true and full account, under the hand of the builder of such ship or vessel, of the proper denomination of such vessel, and of the time when and the place where such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, together with the name of the first purchaser or purchasers thereof, (which account such builder is hereby directed and required to give under his hand, on the same being demanded by such person or persons so applying for a certificate as aforesaid,) and shall also make and subscribe a declaration before the person or persons hereinbefore authorized to grant such certificate that the ship or vessel for which such certificate is required is the same with that which is so described by the builder as aforesaid: Provided always, that where by reason of the death of such builder, or some other unavoidable cause, such certificate cannot be produced, it shall be lawful for the Commissioners of Her Majesty's Customs, on proof being made to their satisfaction of all the particulars required as aforesaid, to dispense with the account hereby required under the hand of the builder, and to allow the certificate of registry to be granted.

XXIX. That if the certificate of registry of any ship or vessel shall be lost or mislaid so that the same cannot be found or obtained for the use of such ship or vessel when needful, and proof thereof shall be made to the satisfaction of the Commissioners of Her Majesty's Customs, such Commissioners shall and may permit such ship or vessel to be registered *de novo*, and a certificate thereof to be granted: Provided always, that if such ship or vessel be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such Commissioners shall and may grant a licence for the present use of such ship or vessel, which licence shall, for the time and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry: Provided also, that before such registry *de novo* be made the owner or owners and master shall give bond to the Commissioners aforesaid, in such sum as to them shall seem fit, with a condition that if the certificate of registry shall at any time afterwards be found the same shall be forthwith delivered to the proper officers of Her Majesty's Customs to be cancelled, and that no illegal use has been or shall be made thereof with his or their privacy or knowledge; and further, that before any such licence shall be granted as aforesaid the master of such ship or vessel shall also make and subscribe a declaration that the same has been registered as a British ship, naming the port where and the time when such registry was made, and all the particulars contained in the certificate thereof, to the best of his knowledge and belief, and shall also give such bond and with the same condition as is hereinbefore mentioned: Provided also, that before any such licence shall be granted such ship or vessel shall be surveyed in like manner as if a registry *de novo* were about to be made thereof, and the certificate of such survey shall be preserved by the collector and comptroller of the port to which such ship or vessel shall belong; and in virtue thereof it shall be lawful for the said Commissioners and they are hereby required to permit such ship or vessel to be registered after her departure, whenever the owner or owners shall personally attend to take and subscribe the declaration required by this Act before registry be made, and shall also comply with all other requisites of this Act, except so far as relates to the bond to be given by the master of such ship or vessel, which certificate or registry the said Commissioners shall and may transmit to the collector and comptroller of any other port, to be by them given to the master of such ship or vessel upon his giving such bond, and delivering up the licence which had been granted for the then present use of such ship or vessel.

And after reciting that it is not proper that any person, under any pretence whatever, should detain the certificate of registry of any ship or vessel, or hold the same for any purpose other than the lawful use and navigation of the ship or vessel for which it was granted:—

It is Enacted,

XXX. That in case any person who shall have received or obtained, by any means or for any purpose whatever, the certificate of the registry of any ship or vessel, (whether such person shall claim to be the master or to be the owner or one of the owners of such ship or vessel or not,) shall wilfully detain and refuse to deliver up the same to the proper officers of Her Majesty's Customs for the purposes of such ship or vessel, as occasion shall require, or to the person or persons having the actual command, possession, and management of such ship or vessel as the ostensible and reputed master, or as the ostensible and reputed owner or owners thereof, it shall be lawful to and for any such last-mentioned person to make complaint, on oath, of such detainer and refusal to any Justice of the Peace residing near to the place where such detainer and refusal shall be in Great Britain or Ireland, or to any member of the Supreme Court of Justice, or to any deemster or Justice of the Peace, in the islands of Jersey, Guernsey, or Man, or in any colony, plantation, island, or territory to Her Majesty belonging in Asia, Africa, or America, or in Malta, Gibraltar, or Heligoland, where such detainer and refusal shall be in any of the places last mentioned; and on such complaint the said Justice or other magistrate shall and is hereby required, by warrant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal; and if it shall appear to the said Justice or other Magistrate, on examination of such person or otherwise, that the said certificate of registry is not lost or mislaid, but is wilfully detained by the said person, such person shall be thereof

convicted, and shall forfeit and pay the sum of 100*l.*, and on failure of payment thereof he shall be committed to the common gaol, there to remain without bail or mainprize for such time as the said Justice or other Magistrate shall in his discretion deem proper, not being less than three months nor more than twelve months; and the said Justice or other Magistrate shall certify the aforesaid detainer, refusal, and conviction to the person or persons who granted such certificate of registry for such ship or vessel, who shall, on the terms and conditions of law being complied with, make registry of such ship or vessel *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which such ship or vessel was so registered *de novo*; and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded, so that the said warrant of the Justice or other Magistrate cannot be executed upon him, and proof thereof shall be made to the satisfaction of the Commissioners of Her Majesty's Customs, it shall be lawful for the said Commissioners to permit such ship or vessel to be registered *de novo*, or otherwise, in their discretion, to grant a licence for the present use of such ship or vessel, in like manner as is hereinbefore provided in the case wherein the certificate of registry is lost or mislaid.

XXXI. That if any ship or vessel, after she shall have been registered, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, in such case such ship or vessel shall be registered *de novo*, in manner hereinbefore required, as soon as she returns to the port to which she belongs, or to any other port which shall be in the same part of the United Kingdom, or in the same colony, plantation, island, or territory as the said port shall be in, on failure whereof such ship or vessel shall to all intents and purposes be considered and deemed and taken to be a ship or vessel not duly registered.

XXXII. That the owner or owners of all ships and vessels taken by any of Her Majesty's ships or vessels of war, or by any private or other ship or vessel, and condemned as lawful prize in any Court of Admiralty, or of ships or vessels condemned in any competent court as forfeited for breach of the laws for the prevention of the slave trade, shall, for the purpose of registering any such ship or vessel, produce to the collector and comptroller of Her Majesty's Customs a certificate of the condemnation of such ship or vessel under the hand and seal of the Judge of the court in which such ship or vessel shall have been condemned (which certificate such Judge is hereby authorized and required to grant), and also a true and exact account in writing of all the particulars contained in the certificate hereinbefore set forth, to be made and subscribed by one or more skilful person or persons to be appointed by the Court then and there to survey such ship or vessel, and shall also make and subscribe a declaration before the collector and comptroller that such ship or vessel is the same vessel which is mentioned in the certificate of the Judge aforesaid.

XXXIII. Provided and enacted, That no ship or vessel which shall be taken and condemned as prize or forfeiture as aforesaid shall be registered in the islands of Guernsey, Jersey, or Man, although belonging to Her Majesty's subjects residing in those islands, or in some one or other of them, but the same shall be registered either at Southampton, Weymouth, Exeter, Plymouth, Falmouth, Liverpool, or Whitehaven by the collector and comptroller at such ports respectively, who are hereby authorized and required to register such ship or vessel, and to grant a certificate thereof in the form and under the regulations and restrictions in this Act contained.

XXXIV. That when and so often as the property in any ship or vessel, or any part thereof, belonging to any of Her Majesty's subjects, shall, after registry thereof, be sold to any other or others of Her Majesty's subjects, the same shall be transferred by bill of sale, or other instrument in writing, containing a recital of the certificate of registry of such ship or vessel, or the principal contents thereof, otherwise such transfer shall not be valid or effectual for any purpose whatever either in law or in equity: Provided always, that no bill of sale shall be deemed void by reason of any error in such recital, or by the recital of any former certificate of registry instead of the existing certificate, provided the identity of the ship or vessel intended in the recital be effectually proved thereby.

XXXV. That the property in every ship or vessel of which there are more than one owner shall be taken and considered to be divided into sixty-four equal parts or shares, and the proportion held by each owner shall be described in the registry as being a certain number of sixty-fourth parts or shares, and that no person shall be entitled to be registered as an owner of any ship or vessel in respect of any proportion of such ship or vessel which shall not be an integral sixty-fourth part or share of the same; and upon the first registry of any ship or vessel, the owner or owners who shall take and subscribe the declaration required by this Act before registry be made shall also declare the number of such parts or shares then held by each owner, and the same shall be so registered accordingly: Provided always, that if it shall at any time happen that the property of any owner or owners in any ship or vessel cannot be reduced by division into any number of integral sixty-fourth parts or shares, it shall and may be lawful for the owner or owners of such fractional parts as shall be over and above such number of integral sixty-fourth parts or shares into which such property in any ship or vessel can be reduced by division to transfer the same one to another, or jointly to any new owner, by memorandum upon their respective bills of sale, or by fresh bill of sale, without such transfer being liable to any stamp duty: Provided also, that the right of any owner or owners to any such fractional parts shall not be affected by reason of the same not having been registered: Provided also, that it shall be lawful for any number of such owners named and described in such registry, being partners in any house or copartnership actually carrying on trade in any part of Her Majesty's dominions, to hold any ship or vessel, or any share or shares of any ship or vessel, in the name of such house or copartnership, as joint owners thereof, without distinguishing the proportionate interest of each of such owners; and that such ship or vessel, or the share or shares thereof so held in copartnership, shall be deemed to be taken to be partnership property to all intents and purposes, and shall be governed by the same rules both in law and equity as relate to and govern all other partnership property in any other goods, chattels, and effects whatsoever.

XXXVI. That no greater number than thirty-two persons shall be entitled to be legal owners at one and the same time of any ship or vessel as tenants in common, or to be registered as such: Provided always, that nothing herein contained shall affect the equitable title of minors, heirs, legatees, creditors, or others exceeding that number, duly represented by or holding in any of the persons within the said number registered as legal owners of any share or shares of such ship or vessel: Provided also, that if it shall be proved to the satisfaction of the Commissioners of Her Majesty's Customs that any number

of persons have associated themselves as a joint stock company for the purpose of owning any ship or vessel, or any number of ships or vessels, as the joint property of such company, and that such company have duly elected or appointed any number not less than three of the members of the same to be trustees of the property in such ship or vessel or ships or vessels so owned by such company, it shall be lawful for such trustees, or any three of them, with the permission of such Commissioners, to make and subscribe the declaration required by this Act before registry be made, except that instead of stating therein the names and descriptions of the other owners they shall state the name and description of the company to which such ship or vessel or ships or vessels shall in such manner belong.

XXXVII. That no bill of sale or other instrument in writing shall be valid and effectual to pass the property in any ship or vessel, or in any share thereof, or for any other purpose, until such bill of sale or other instrument in writing shall have been produced to the collector and comptroller of the port at which such ship or vessel is already registered, or to the collector and comptroller of any other port at which she is about to be registered *de novo*, as the case may be, nor until such collector and comptroller respectively shall have entered in the book of such last registry in the one case, or in the book of such registry *de novo*, after all the requisites of law for such registry *de novo* shall have been duly complied with, in the other case (and which they are respectively hereby required to do upon the production of the bill of sale or other instrument for that purpose), the name, residence, and description of the vendor or mortgagor, or of each vendor or mortgagor if more than one, the number of shares transferred, the name, residence, and description of the purchaser or mortgagee, or of each purchaser or mortgagee if more than one, and the date of the bill of sale or other instrument and of the production of it; and further, if such ship or vessel is not about to be registered *de novo*, the collector and comptroller of the port where such ship is registered shall and they are hereby required to indorse the aforesaid particulars of such bill of sale or other instrument on the certificate of registry of the said ship or vessel, when the same shall be produced to them for that purpose, in manner and to the effect following; (*videlicet*,)

' Custom House [Port and Date.]

' [Name, Residence, and Description of Vendor or Mortgagor] has transferred by [Bill of Sale or other Instrument], dated [Date; Number of Shares] to [Name, Residence, and Description of Purchaser or Mortgagee].

' A. B. Collector.

' C. D. Comptroller.'

And forthwith to give notice thereof to the Commissioners of Customs; and in case the collector and comptroller shall be desired so to do, and the bill of sale or other instrument shall be produced to them for that purpose, then the said collector and comptroller are hereby required to certify by indorsement upon the bill of sale or other instrument that the particulars before mentioned have been so entered in the book of registry, and indorsed upon the certificate of registry as aforesaid.

XXXVIII. That when and so soon as the particulars of any bill of sale or other instrument by which any ship or vessel, or any share or shares thereof, shall be transferred, shall have been so entered in the book of registry as aforesaid, the said bill of sale or other instrument shall be valid and effectual to pass the property thereby intended to be transferred as against all and every person and persons whatsoever, and to all intents and purposes, except as against such subsequent purchasers and mortgagees who shall first procure the indorsement to be made upon the certificate of registry of such ship or vessel in manner hereinafter mentioned.

XXXIX. That when and after the particulars of any bill of sale or other instrument by which any ship or vessel, or any share or shares thereof, shall be transferred, shall have been so entered in the book of registry as aforesaid, the collector and comptroller shall not enter in the book of registry the particulars of any other bill of sale or instrument purporting to be a transfer by the same vendor or mortgagor or vendors or mortgagors of the same ship or vessel, share or shares thereof, to any other person or persons, unless thirty days shall elapse from the day on which the particulars of the former bill of sale or other instrument were entered in the book of registry, or in case the ship or vessel was absent from the port to which she belonged at the time when the particulars of such former bill of sale or other instrument were entered in the book of registry, then unless thirty days shall have elapsed from the day on which the ship or vessel arrived at the port to which the same belonged; and in case the particulars of two or more such bills of sale or other instruments as aforesaid shall at any time have been entered in the book of registry of the said ship or vessel, the collector and comptroller shall not enter in the book of registry the particulars of any other bill of sale or other instrument as aforesaid, unless thirty days shall in like manner have elapsed from the day on which the particulars of the last of such bills of sale or other instrument were entered in the books of registry, or from the day on which the ship or vessel arrived at the port to which she belonged, in case of her absence as aforesaid; and in every case where there shall at any time happen to be two or more transfers by the same owner or owners of the same property in any ship or vessel entered in the book of registry as aforesaid, the collector and comptroller are hereby required to indorse upon the certificate of registry of such ship or vessel the particulars of that bill of sale or other instrument under which the person or persons claims or claim property, who shall produce the certificate of registry for that purpose within thirty days next after the entry of his said bill of sale or other instrument in the book of registry as aforesaid, or within thirty days next after the return of the said ship or vessel to the port to which she belongs, in case of her absence at the time of such entry as aforesaid; and in case no person or persons shall produce the certificate of registry within either of the said spaces of thirty days, then it shall be lawful for the collector and comptroller and they are hereby required to indorse upon the certificate of registry the particulars of the bill of sale or other instrument to such person or persons as shall first produce the certificate of registry for that purpose, it being the true intent and meaning of this Act that the several purchasers and mortgagees of such ship or vessel, share or shares thereof, when more than one appear to claim the same property, or to claim security on the same property, in the same rank and degree, shall have priority one over the other, not according to the respective times when the particulars of the bill of sale or other instrument by which such property was transferred to them entered in the book of registry as aforesaid, but according to the time when the indorsement is made upon the certificate of registry as aforesaid: Provided always, that if the certificate of registry shall be lost or mislaid, it shall be detained by any person whatever, so that the indorsement cannot in due time be made thereon, and proof thereof shall be made by the purchaser or mortgagee, or his known agent, to the satisfaction of the Commissioners of Her Majesty's

Customs, it shall be lawful for the said Commissioners to grant such further time as to them shall appear necessary for the recovery of the certificate of registry, or for the registry *de novo* of the said ship or vessel under the provisions of this Act; and thereupon the collector and comptroller shall make a memorandum in the book of registers of the further time so granted, and during such time no other bill of sale shall be entered for the transfer of the same ship or vessel, or the same share or shares thereof, or for giving the same security thereon.

XL. That if the certificate of registry of such ship or vessel shall be produced to the collector and comptroller of any port where she may then be after any such bill of sale shall have been recorded at the port to which she belongs, together with such bill of sale containing a notification of such record, signed by the collector or comptroller of such port as before directed, it shall be lawful for the collector and comptroller of such other port to indorse on such certificate of registry (being required so to do) the transfer mentioned in such bill of sale, and such collector and comptroller shall give notice thereof to the collector and comptroller of the port to which such ship or vessel belongs, who shall record the same in like manner as if they had made such indorsement themselves, but inserting the name of the port at which such indorsement was made: Provided always, that the collector and comptroller of such other port shall first give notice to the collector and comptroller of the port to which such ship or vessel belongs of such requisition made to them to indorse the certificate of registry, and the collector and comptroller of the port to which such ship or vessel belongs shall thereupon send information to the collector and comptroller of such other port whether any and what other bill or bills of sale have been recorded in the book of the registry of such ship or vessel; and the collector and comptroller of such other port having such information shall proceed in manner directed by this Act in all respects to the indorsing of the certificate of registry as they would do if such port were the port to which such vessel belonged.

XLI. That if it shall become necessary to register any ship or vessel *de novo*, and any share or shares of such ship or vessel shall have been sold since she was last registered, and the transfer of such share or shares shall not have been recorded and indorsed in manner hereinbefore directed, the bill of sale thereof shall be produced to the collector and comptroller of Her Majesty's Customs, who are to make registry of such ship or vessel, otherwise such sale shall not be noticed in such registry *de novo*, except as hereinafter excepted: Provided always, that upon the future production of such bill of sale, and of the existing certificate of registry, such transfer shall and may be recorded and indorsed as well after such registry *de novo* as before.

XLII. That if upon any change of property in any ship or vessel the owner or owners shall desire to have the same registered *de novo*, although not required by this Act, and the owner or proper number of owners shall attend at the custom house at the port to which such ship or vessel belongs for that purpose, it shall be lawful for the collector and comptroller of Her Majesty's Customs at such port to make registry *de novo* of such ship or vessel at the same port, and to grant a certificate thereof, the several requisites hereinbefore in this Act mentioned and directed being first duly observed and complied with.

And after reciting that great inconvenience hath arisen from the registering officers being served with subpoenas, requiring them to bring with them, and produce on trials in courts of law relative to the ownery of vessels or otherwise, the oaths or declarations required to be taken by the owners thereof prior to the registering thereof, and the books of registry or copies or extracts therefrom: And that it would tend much to the dispatch of business if the attendance of such registering officers with the same upon such trials were dispensed with;—

It is Enacted,

XLIII. That the collector and comptroller of Her Majesty's Customs at any port or place, and the person or persons acting for them respectively, shall, upon every reasonable request by any person or persons whomsoever, produce and exhibit for him, her, or their inspection and examination any oath or declaration sworn or made by any such owner or owners, proprietor or proprietors, and also any register or entry in any book or books of registry required by this Act to be made or kept relative to any ship or vessel, and shall, upon every reasonable request by any person or persons whomsoever, permit him, or her, or them to take a copy or copies or an extract or extracts thereof respectively, and that the copy and copies of any such oath or declaration, register or entry, shall, upon being proved to be a true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law, without the production of the original or originals, and without the testimony or attendance of any collector or comptroller, or other person or persons acting for them respectively, in all cases as fully and to all intents and purposes as such original or originals, if produced by any collector or collectors, comptroller or comptrollers, or other person or persons acting for them, could or might legally be admitted or received in evidence.

XLIV. That if the ship or vessel, or the share or shares of any owner thereof who may be out of the kingdom, shall be sold in his absence by his known agent or correspondent under his directions, either expressed or implied, and acting for his interest at that behalf, and such agent or correspondent who shall have executed a bill of sale to the purchaser of the whole of such ship or vessel, or of any share or shares thereof, shall not have received a legal power to execute the same, it shall be lawful for the Commissioners of Her Majesty's Customs, upon application made to them, and proof to their satisfaction of the dealings of the parties, to permit such transfer to be registered, if registry *de novo* be necessary, or to be recorded and indorsed, as the case may be, in manner directed by this Act, as if such legal power had been produced; and also if it shall appear that any bill of sale cannot be produced, or if, by reason of distance of time or the absence or death of parties concerned, cannot be proved that a bill of sale for any share or shares in any ship or vessel had been executed, and registry *de novo* of such ship or vessel shall have become necessary, it shall be lawful for the Commissioners of Her Majesty's Customs, upon proof to their satisfaction of the fair dealings of the parties, to permit such ship or vessel to be registered *de novo*, in like manner as if a bill of sale for the transfer of such share or shares had been produced: Provided always, that in any of the cases herein mentioned good and sufficient security shall be given to produce a legal power or bill of sale within a reasonable time, or to satisfy the future claims of the absent owner, his heirs and successors, as the case may be, and, at the future request of the party whose property has been so transferred without the production of a bill of sale from him or from his lawful attorney, such bill shall be available for the protection of his interest, in addition to any powers or rights which he may have in law or equity

against the ship or vessel, or against the parties concerned, until he shall have received full indemnity for any loss or injury sustained by him.

XLV. That when any transfer of any ship or vessel, or of any share or shares thereof, shall be made only as a security for the payment of a debt or debts, either by way of mortgage or of assignment to a trustee or trustees for the purpose of selling the same for the payment of any debt or debts, then and in every such case the collector and comptroller of the port where the ship or vessel is registered shall, in the entry in the book of registry, and also in the indorsement on the certificate of registry in manner hereinbefore directed, state and express that such transfer was made only as a security for the payment of a debt or debts, or by way of mortgage, or to that effect; and the person or persons to whom such transfer shall be made, or any other person or persons claiming under him or them as a mortgagee or mortgagees, or a trustee or trustees only, shall not by reason thereof be deemed to be the owner or owners of such ship or vessel, share or shares thereof, nor shall the person or persons making such transfer be deemed by reason thereof to have ceased to be an owner or owners of such ship or vessel any more than if no such transfer had been made, except so far as may be necessary for the purpose of rendering the ship or vessel, share or shares, so transferred, available, by sale or otherwise, for the payment of the debt or debts for securing the payment of which such transfer shall have been made.

XLVI. That when any transfer of any ship or vessel, or of any share or shares thereof, shall have been made as a security for the payment of any debt or debts, either by way of mortgage or of assignment as aforesaid, and such transfer shall have been duly registered according to the provisions of this Act, the right or interest of the mortgagee or other assignee as aforesaid shall not be in any manner affected by any act or acts of bankruptcy committed by such mortgagor or assignor, mortgagors or assignors, after the time when such mortgage or assignment shall have been so registered as aforesaid, notwithstanding such mortgagor or assignor, mortgagors or assignors, at the time he or they shall so become bankrupt as aforesaid, shall have in his, her, or their possession, order, and disposition, and shall be the reputed owner or owners of the said ship or vessel, or the share or shares thereof so by him or them mortgaged or assigned as aforesaid, but such mortgage or assignment shall take place of and be preferred to any right, claim, or interest which may belong to the assignee or assignees of such bankrupt or bankrupts in such ship or vessel, share or shares thereof, any law or statute to the contrary thereof notwithstanding.

XLVII. That it shall and may be lawful for any governor, lieutenant governor, or commander-in-chief of any of Her Majesty's colonies, plantations, islands, or territories, and they are hereby respectively authorized and required, if any suit, information, libel, or other prosecution or proceeding of any nature or kind whatever shall have been commenced or shall hereafter be commenced in any court whatever in any of the said colonies, plantations, islands, or territories respectively touching the force and effect of any register granted to any ship or vessel, upon a representation made to any such governor, lieutenant governor, or commander-in-chief, to cause all proceedings thereon to be stayed, if he shall see just cause so to do, until Her Majesty's pleasure shall be known and certified to him by Her Majesty, by and with the advice of Her Majesty's Privy Council; and such governor, lieutenant governor, or commander-in-chief is required to transmit to one of Her Majesty's Principal Secretaries of State, to be laid before Her Majesty in Council, an authenticated copy of the proceedings in every such case, together with his reasons for causing the same to be stayed, and such documents (properly verified) as he may judge necessary, for the information of Her Majesty.

XLVIII. That if any person or persons shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person or persons shall for every such offence forfeit the sum of 500*l*.

XLIX. That the person or persons registered as owner or owners of any British ship or vessel which shall have been lost or taken by the enemy, or burnt or broken up, or otherwise prevented from returning to the port to which such ship or vessel belongs, or which shall on any account have lost or forfeited the privileges of a British ship, shall, immediately upon obtaining knowledge of any of the circumstances aforesaid, give notice in writing of such circumstances to the collector or comptroller of the Customs at the port of registry of such ship or vessel.

L. That in all cases where any British registered ship or vessel shall have been absent from the port of registry for the space of three years, the person or persons registered as the owner or owners of such ship or vessel shall in like manner give notice in writing to the collector or comptroller of the Customs at such port, stating therein the cause of such absence, and that the said vessel has not forfeited her privileges as a British ship.

LI. That every such owner or owners failing to give such notice in either of the cases aforesaid, or making any untrue statement in respect of any such ship or vessel, shall forfeit the sum of 5*l*.

LII. That all the penalties and forfeitures inflicted and incurred by this Act shall and may be sued for, prosecuted, recovered, and disposed of in such manner, and by such ways, means, and methods, as any penalties or forfeitures inflicted or which may be incurred for any offences committed against any law relating to the Customs may now legally be sued for, prosecuted, recovered, and disposed of; and that the officer or officers concerned in seizures or prosecutions under this Act shall be entitled to and receive the same share of the produce arising from such seizures as in the case of seizures for unlawful importation, and to such share of the produce arising from any pecuniary fine or penalty for any offence against this Act as any officer or officers is or are now by any law or regulation entitled to upon prosecutions for pecuniary penalties.

LIII. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

## CAP. XC.

## AN ACT for granting Duties of Customs.

(4th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. Commencement of Act.
2. Instead of all other duties of Customs (except on corn, &c.), there shall be paid and allowed the duties and drawbacks specified in Tables annexed.
3. Duties on corn, &c. to be raised, &c. in the same manner as duties mentioned in this Act.
4. An additional duty of 4d. per gallon to be levied upon spirits, and of 5l. per cent. upon all other articles.
5. Goods having paid duties imposed by former Acts to be entitled to drawbacks.
6. Goods in warehouse to be liable to the duties imposed by this Act.
7. Duties and drawbacks to be under the management of the Commissioners of Customs.
8. Additional duties to be levied on foreign merchandise, &c.
9. 59 Geo. 3. c. 54. to apply to all foreign powers as well as United States and Portugal, and to duties on goods as well as on ships.
10. Recited Act not to be construed as granting powers beyond subsisting treaties.
11. Her Majesty, with the advice of Privy Council, to declare the powers with whom treaties are subsisting.
12. Lords of Treasury may reduce duties on ships or goods of countries under reciprocity.
13. Manufactures of Gibraltar, &c. from foreign materials deemed foreign.
14. Certain produce of the State of Maine to be treated as the produce of New Brunswick.
15. Drawback on the exportation of foreign rice or paddy.
16. Conditions on which such drawback is to be paid.
17. Warehousing of goods.
18. Cape of Good Hope deemed to be within limits of charter; Mauritius as West Indies.
19. Produce of limits of charter imported from Malta or Gibraltar.
20. An account of the amount of hereditary revenues of the Crown to be kept separate.
21. Not to effect the hereditary revenue in Scotland.
22. Duties to be paid into the Exchequer, and carried to the Consolidated Fund.
23. Duties due before the passing of this Act, but levied after, to be deemed duties under this Act, and appropriated as such.
24. Alteration of Act.

By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 56, whereby the several duties of Customs were consolidated into one Act: And it since the passing of the said Act divers parts of Acts altering the said duties have been passed, and it will be of advantage to the trade and commerce of the country that the said several duties should be consolidated into one Act:—

It is Enacted,

- I. That from and after the passing of this Act the same shall come into and be and continue in full force and operation for the purposes mentioned therein, except where any other commencement is herein particularly directed.
- II. That in lieu and instead of all other duties and drawbacks of Customs (except the duties and drawbacks upon corn, meal or flour, sugar, and molasses) there shall be raised, levied, collected, and paid unto Her Majesty, her heirs and successors, upon goods, wares, and merchandise imported into or exported from the United Kingdom, the several duties of Customs, and there shall be allowed the several drawbacks, as the same are respectively inserted, described, and set forth in Tables in the Tables marked (A.) and (B.) to this Act annexed, together with the additional duties hereinafter mentioned.
- III. That the duties imposed upon corn, grain, meal, and flour by an Act, 5 & 6 Vict., intituled 'An Act to amend the Laws the Importation of Corn,' shall be raised, levied, collected, and paid in such and the same manner in all respects as the several duties of Customs mentioned in this Act are directed to be raised, levied, collected, and paid.
- IV. That there shall be charged, raised, levied, collected, and paid unto Her Majesty, her heirs and successors, in addition to the duties mentioned in the said Table marked (A.), upon every gallon of spirits or strong waters of all sorts imported into the United Kingdom a further duty of 4d., and upon all the articles enumerated in the said Table marked (A.), except spirits or strong waters, a further duty of 5l. per centum upon the amount of the several duties in and by the said Table marked (B.) respectively charged upon the said articles, and each of them, except the following articles; (that is to say,)

Isinglass;  
Oils, chemical, essential, or perfumed;  
Oils, essential, of cloves;  
Pickles preserved in vinegar;  
Pickles or vegetables preserved in salt;  
Refined camphor;

Smalts;  
Turpentine;  
Verdigris;  
Yarn cable;  
Glass of all sorts.

- V. That the amount of drawbacks granted, allowed, and made payable upon goods, wares, and merchandise exported from or consumed in Great Britain or Ireland, under or by virtue of any Act or Acts in force in Great Britain or Ireland, or immediately before the passing of this Act, shall remain and continue payable with respect to such goods, wares, and merchandise as, having paid the duties imposed upon the importation thereof by any such Act or Acts, shall, from and after the passing of this Act, be exported from or be so used or consumed in Great Britain or Ireland respectively.



vi. That all goods whatsoever which shall have been warehoused without payment of duty upon the first importation thereof, and which shall be in the warehouse at the commencement of the duties imposed by this Act, shall be deemed and taken to be liable to such duties.

vii. That the duties and drawbacks by this Act imposed and allowed shall be under the management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, and recovered, and allowed and applied or appropriated, under the provisions of an Act passed in the present session of Parliament, intituled 'An Act for the general Regulation of the Customs.'

viii. That it shall be lawful for Her Majesty, by and with the advice of her Privy Council, by her order in council, from time to time to order and direct that there shall be levied and collected any additional duty, not exceeding one-fifth of the amount of any existing duty, upon all or any goods, wares, or merchandise, the growth, produce, or manufacture of any country which shall levy higher or other duties upon any article the growth, produce, or manufacture of any of Her Majesty's dominions than upon the like article the growth, produce, or manufacture of any other foreign country, and in like manner to impose such additional duties upon all or any goods when imported in the ships of any country which shall levy higher or other duties upon any goods when imported in British ships than when imported in the national ships of such country, or which shall levy higher or other tonnage or port or other duties upon British ships than upon such national ships, or which shall not place the commerce or navigation of this kingdom upon the footing of the most favoured nation in the ports of such country, and either to prohibit the importation of any manufactured article the produce of such country in the event of the export of the raw material of which such article is wholly or in part made being prohibited from such country to the British dominions, or to impose an additional duty, not exceeding one-fifth as aforesaid, upon such manufactured article, and also to impose such additional duty in the event of such raw material being subject to any duty upon being exported from the said country to any of Her Majesty's dominions; and all duties imposed by any such order shall be deemed to be duties imposed by this Act.

After reciting that by 59 Geo. 3. c. 54. divers provisions were made respecting the duties payable and the bounties and allowances to be granted upon the importation and exportation of goods, wares, and merchandise into or from the United Kingdom in vessels of the United States and in Portuguese vessels, and respecting the repayment to certain corporations, bodies politic and corporate, and sundry other persons, of the amount of the sums of money of which they would be deprived by means of the said Act, and it was thereby enacted that the said Act should continue in force so long as the convention therein recited between His said late Majesty and the United States of America, and the treaty therein recited between His said late Majesty and His Royal Highness the Prince Regent of Portugal, and so long as any treaty to be made with any foreign power with the similar provisions thereinbefore recited, should respectively continue in force: And that, subsequently to the enactment of the said recited Act, Her Majesty and her royal predecessors have made and concluded with divers foreign powers treaties containing provisions similar to those recited in the said recited Act, and doubts have arisen whether, according to the true construction thereof, the said Act doth apply and extend to the trade and shipping of such other foreign powers, and whether the same applies to differential duties or charges on goods imported or exported in foreign ships as well as to differential duties and charges on foreign ships, and it is expedient that such doubts be removed:—

It is Enacted and Declared,

ix. That from and after the ratification of any treaty heretofore made by Her Majesty or any of her royal predecessors subsequently to the enactment of the said Act, or of any treaty which may hereafter be made by Her Majesty, her heirs and successors, with any such foreign power, in which treaty has been or shall be contained provisions similar to those recited in the said recited Act, all and every the provisions, clauses, matters, and things in the said recited Act contained shall apply and extend to the trade and shipping of such foreign powers respectively as fully and effectually to all intents and purposes as to the trade and shipping of the said United States and of the said kingdom of Portugal, and also shall apply and extend to differential duties or charges on goods imported or exported in the ships of such foreign powers as well as to differential duties on the ships of such foreign powers.

x. Provided, and enacted and declared, That the said recited Act doth not extend, and shall not be construed to extend, to grant to or to confer upon the trade or shipping of the said United States, or of the said kingdom of Portugal, or of any other foreign power, or to the subjects of such states or kingdom, or of any such foreign power as aforesaid, any other or greater advantage than such as shall have been stipulated for by and granted to the said United States, the said kingdom of Portugal, or any such other foreign power, by the respective treaties subsisting and in force between them respectively and Her Majesty, her heirs and successors, or her royal predecessors, but that the said Act shall be so construed and applied as to give full and complete effect to such respective treaties so long as the same shall respectively remain in force, and in so provide such, and only such, indemnity as therein mentioned to such bodies politic and corporate, and other persons as are therein mentioned, for such losses as they shall respectively sustain by the execution of such respective treaties.

And for the prevention of uncertainty herein,

It is Enacted,

xi. That it shall and may be lawful for Her Majesty, her heirs and successors, by any order or orders to be by her or them made, with the advice of her or their Privy Council, and published in the *London Gazette*, from time to time to declare what are the foreign powers with which any such treaty or treaties as aforesaid is or are subsisting, and this present Act and the said recited Act shall apply and shall be deemed from the time of the ratification of any such treaties to have been applicable to the trade and shipping of such foreign countries as shall be so mentioned in any such order or orders in Council as aforesaid, so long as any such order or orders shall continue unrevoked, and no longer.

xii. That in any case where any treaty is in force between Her Majesty and any foreign state, containing any stipulations that no higher duties or charges shall be levied on the vessels or produce of such foreign state, or upon goods exported or imported in the vessels of such foreign state than on British vessels or produce, or upon the like goods exported or

imported in British vessels, or any direct or indirect stipulations to the like effect, or for the like objects, or any of them, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any two or more of them, from time to time to give directions that all duties or charges imposed by any Act passed after the 10th of July 1842 upon the vessels of such foreign state entering or leaving any port of Her Majesty's dominions, or upon articles of the growth, produce, or manufacture of the dominions of such foreign state, or upon any articles imported into the United Kingdom in vessels of such foreign state, or upon any articles (or any particular classes of articles) exported from the United Kingdom (or exported from the United Kingdom to any particular place or places), shall be reduced to the same rates as are in the like cases imposed upon British vessels, or upon the like articles of British growth, produce, or manufacture, or upon the like articles imported into or exported from the United Kingdom in British vessels, or to give so much of the said directions as the case may require.

XIII. That all manufactures of Gibraltar, Malta, and Heligoland made of materials of foreign produce liable to duty upon importation into the United Kingdom, upon which no such duty has been paid, or upon which drawback of such duty has been allowed in the United Kingdom, shall, for the purposes of duty, be deemed and taken to be the produce of and imported from a foreign country.

And after reciting that a treaty has been concluded between Her Majesty and the United States of America, dated the 9th August 1842, whereby it is stipulated that all the produce of the forest in logs, lumber, timber, timber boards, staves, oringles, or of agriculture, not being manufactured, grown on any of those parts of the state of Maine watered by the river Saint John or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its tributaries having their source within the state of Maine to and from the seaport at the mouth of the river Saint John, and to and round the falls of the said river, either by boats, rafts, or other conveyance, and at when within the province of New Brunswick the said produce shall be dealt with as if it were the produce of the said province: And that it is the intention of the high contracting parties to the said treaty that the aforesaid produce should be dealt with as if it were the produce of the province of New Brunswick;—

It is Enacted,

XIV. That the produce in the said recited treaty and hereinbefore described shall, so far as regards all laws relating to duties, navigation, and customs in force in the United Kingdom, or in any of Her Majesty's dominions, be deemed and taken to be and be dealt with as the produce of the province of New Brunswick: Provided nevertheless, that in all cases in which declarations and certificates of production or origin, and certificates of clearance, would be required in respect of such produce if it were the produce of New Brunswick, similar declarations and certificates shall be required in respect of such produce, and shall state the same to be the produce of those parts of the state of Maine which are entered by the river Saint John or by tributaries.

XV. That upon the exportation from the United Kingdom of any foreign rice or paddy which shall have been cleaned, and which shall have paid the duties payable on the importation thereof, there shall be allowed and paid for every hundred weight thereof a drawback equal in amount to the duty paid on every four bushels of the rough rice or paddy from which the same shall have been cleaned.

XVI. Provided and enacted, That such drawback upon rice so exported shall be paid and allowed only upon such clean rice as shall be deposited for the purpose of exportation, within one calendar month from the day on which the duty thereon has been paid, in some warehouse in which rice may be warehoused on importation without payment of duty, and shall there remain secured until duly shipped to be exported from such warehouse: Provided also, that the exporter of such rice shall make declaration before the collector or comptroller that the rice so warehoused for exportation was cleaned from the rough rice or paddy upon which the duties had been so paid.

XVII. That it shall be lawful for the importer of any goods subject to any duties of Customs to warehouse such goods upon first entry thereof, under the laws in force for the warehousing of goods, without payment of duty upon such first entry, that all goods which shall have been so warehoused before the commencement of any such duties, and shall remain so warehoused after the commencement of the same, shall become liable to such duties in lieu of all former duties.

XVIII. That for the purposes of this Act the Cape of Good Hope, and the territories and dependencies thereof, shall be deemed to be within the limits of the East India Company's Charter, and the island of Mauritius shall be deemed to be of Her Majesty's sugar colonies, and placed upon the same footing in all respects as Her Majesty's islands in the West Indies.

XIX. That all goods the produce of places within the limits of the East India Company's Charter having been imported from Malta or Gibraltar from those places in British ships shall, upon subsequent importation into the United Kingdom direct from Malta or Gibraltar, be liable to the same duties as the like goods would respectively be liable to if imported direct from the place within the limits of the said charter.

And after reciting that by the consolidation of the different branches of the public revenue, and of the several duties leviable on the importation or exportation of goods, wares, and merchandise, and the appropriation thereof, as directed by the Acts in force in England, the hereditary and temporary revenues of the Crown of subsidies of tonnage and poundage, and other duties upon goods, wares, and merchandise arising in England, are not now kept distinct and separate at the several offices, but have become blended with other duties of Customs and tonnage both in the collection and appropriation of: And that it is expedient that provision should be made for ascertaining the annual amount of what such hereditary revenues would have produced in case the same had not been so consolidated, and that an account should hereafter be kept of the annual amount;—

It is Enacted,

xx. That from and after the passing of this Act the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them, shall cause to be prepared and kept an account of what such hereditary revenue arising in England would have amounted to in case the same had not been and was not consolidated and collected with other duties of Customs and tonnage in the collection and appropriation thereof, in such manner and form as shall appear to the said Commissioners of Her Majesty's Treasury for the time being best adapted to ascertain such amount, which account the said Commissioners for the time being are hereby required to make out, or cause to be made out, and laid before Parliament, together with the public accounts directed to be laid before Parliament, pursuant to the provisions of the several Acts for directing public accounts to be laid annually before Parliament.

xxi. Provided and enacted, That nothing in this Act contained shall extend or be construed to extend to affect or to alter the hereditary revenue of Her Majesty, her heirs and successors, in Scotland, or other revenues there granted to His late Majesty King George the Second, during his life, and reserved to Her present Majesty during her life, by an Act passed in the first year of Her present Majesty's reign, but the same, and the civil establishment payable out of the same, shall continue to be paid in like manner as heretofore, anything in this Act contained to the contrary notwithstanding.

xxii. That all the monies arising by the duties imposed by this Act (the necessary charges of raising and accounting in the same excepted) shall from time to time be paid into the receipt of Her Majesty's Exchequer in Great Britain, and shall be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, except only as by this Act is specially provided, and shall be appropriated in like manner and to the same services as the duties by this Act repealed would have been if this Act had not been passed.

xxiii. That all monies arising from any duties of Customs, or any arrears thereof, shall be raised, levied, collected, paid, or received from and after the passing of this Act, for or on account of any goods, wares, or merchandise whatever imported or brought into the United Kingdom of Great Britain or Ireland, or exported from the said United Kingdom, although the amount of the said duties may have been computed and ascertained as such duties have been computed and ascertained before the passing of this Act, and although the goods, wares, or merchandise whereon any such duties of Customs may have been charged or may be charged may have been imported into or exported from the United Kingdom before the passing of this Act, and although any duties of Customs due and payable, or charged or chargeable thereon, may have been secured by bond or otherwise on or before the passing of this Act; and all such monies shall from and after the passing of this Act be appropriated and applied in like manner and to the same purposes, as the duties of Customs by this Act granted are directed to be appropriated and applied, except as is in this Act provided, any Act or Acts of Parliament, law, usage, or custom, to the contrary notwithstanding; and that all monies arising by any of the revenues of Customs hereafter to be paid or allowed, either upon bond or otherwise, either by way of drawback, bounty, certificate, premium, or allowance, or by any other legal document whatever, from and after the passing of this Act, although the amount of the same shall have been computed and ascertained in like manner in which they have heretofore been usually computed and ascertained, or shall have become due before the passing of this Act, shall and may be paid or allowed in like manner by the proper officer or officers of the Customs out of any monies in their hands arising from the duties of Customs respectively.

xxiv. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

#### SCHEDULE to which the foregoing Act refers.

##### TABLE (A.)

##### GOODS, WARES, AND MERCHANDISE IMPORTED.

ARTICLES.		Rates of Duty.	
		Of or from Foreign Countries.	Of and for British Possessions.
Agates or Cornelians, not set		Free.	Free.
— set	for every 100L. value	15 0 0	15 0 0
Ale and Beer, of all sorts	the barrel	2 0 0	2 0 0
Alganobilla Seed		Free.	Free.
Alkali		—	—
Alkanet Root		—	—
Almonds, not Jordan, nor bitter	the cwt.	0 10 0	0 10 0
— Jordan	the cwt.	1 5 0	1 5 0
— bitter		Free.	Free.
— Paste of	for every 100L. value	20 0 0	20 0 0
Aloes		Free.	Free.
Alum		—	—
— Rock		—	—
Amber, rough		—	—
— Manufactures of, not enumerated	for every 100L. value	15 0 0	15 0 0
Ambergria		Free.	Free.
Amboyana Wood		—	—

TABLE (A.) GOODS, WARES, AND MERCHANDISE, IMPORTED—continued.

ARTICLES.	the lb.	Rates of Duty.	
		Of or from Foreign Countries.	Of and from British Possessions.
		£. s. d. 0 0 2 Free.	£. s. d. Free. —
Anchorvies			
Angelica			
Animals (living), viz.			
— Asses	each	0 2 6	0 1 3
— Goats	each	0 1 0	0 0 6
— Kids	each	0 1 0	0 0 6
— Oxen and Bulls	each	1 0 0	0 10 0
— Cows	each	0 15 0	0 7 6
— Calves	each	0 10 0	0 5 0
— Horses, Mares, Geldings, Colts, Foals	each	1 0 0	0 10 0
— Mules	each	0 2 6	0 1 3
— Sheep	each	0 3 0	0 1 6
— Lambs	each	0 2 0	0 1 0
— Swine and Hogs	each	0 5 0	0 2 6
— Pigs (sucking)	each	0 2 0	0 1 0
Annatto Roll and Flag		Free.	Free.
Antimony, viz.			
— Ore of		—	—
— Crude		—	—
— Regulus		—	—
Apples, raw	the bushel	0 0 6	0 0 2
— dried	the bushel	0 2 0	0 2 0
Aquafortis	the cwt.	0 5 0	0 5 0
Argol		Free.	Free.
Aristolochia		—	—
Arrowroot	the cwt.	0 5 0	0 1 0
Arsenic		Free.	Free.
Asbea, viz.			
— Pearl and Pot		—	—
— Soap, Weed, and Wood		—	—
— not enumerated		—	—
Asphaltum or Bitumen Judaicum		—	—
Bacon	the cwt.	0 14 0	0 3 6
Balsams, unenumerated		Free.	Free.
Bandstring Twist, the dozen knots, each containing 32 yards		0 5 0	0 2 6
Barilla		Free.	Free.
Bark		—	—
Bark, Extract of, or other Vegetable Substances to be used only for tanning Leather		—	—
Barley, Pearled	the cwt.	0 5 0	0 2 6
Barwood		Free.	Free.
Basket Rods, peeled and unpeeled		—	—
Baskets	for every 100l. value	10 0 0	10 0 0
Best Ropes, Twines, and Strands	the cwt.	0 5 0	0 2 6
Beads, viz.			
— Arango	for every 100l. of the value	15 0 0	15 0 0
— Coral	for every 100l. of the value	15 0 0	15 0 0
— Crystal	the 1,000	0 5 0	0 5 0
— Jet	for every 100l. of the value	15 0 0	15 0 0
— not otherwise enumerated or described	for every 100l. of the value	15 0 0	15 0 0
Beans, Kidney and French		Free.	Free.
Beef, salted (not being corned Beef)	the cwt.	0 8 0	0 2 0
— fresh, or slightly salted	the cwt.	0 8 0	0 2 0
Beef Wood		Free.	Free.
Ber or Mum	the barrel	2 0 0	2 0 0
— Spruce	the barrel	1 0 0	1 0 0
Berries, unenumerated		Free.	Free.
Birds, viz., Singing Birds		—	—
Bitumen Judaicum		—	—
Bocking	the cwt.	1 0 0	1 0 0
Black Wood		Free.	Free.
adders		—	—

TABLE (A.)—GOODS, WARES, AND MERCHANDISE IMPORTED—*continued.*

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Bones of Cattle and other Animals, and of Fish (except Whale Fins), whether burnt or not, or as Animal Charcoal	Free.	Free.
Books, viz.		
— being of editions printed prior to the year 1801, bound or unbound the cwt.	1 0 0	1 0 0
— being of editions printed in or since the year 1801, bound or unbound the cwt.	5 0 0	5 0 0
— being of editions in the Foreign Living Languages, printed in or since the year 1801, bound and unbound the cwt.	2 10 0	2 10 0
Boracic Acid	Free.	Free.
Borax, refined	—	—
Borax or Tincal, unrefined	—	—
Bottles, of Earth and Stone, empty the dozen	0 0 2	0 0 2
— full	Free.	Free.
— Flasks in which Olive Oil is imported	—	—
Boxes of all sorts, excepting those made wholly or partly of Glass, on which the proper Glass Duty will be levied for every 100l. value	10 0 0	5 0 0
Box Wood	Free.	Free.
Brass, Manufactures of for every 100l. value	15 0 0	15 0 0
— Powder of the lb.	0 0 6	0 0 6
Brazil Wood	Free.	Free.
Brazilletto Wood	—	—
Bricks or Clinkers (Dutch) the 1,000	0 10 0	0 5 0
— other Sorts the 1,000	0 15 0	0 7 6
Brimstone	Free.	Free.
— refined, in Rolls	—	—
— in Flour	—	—
Bristles, rough, or in any way sorted	—	—
Brocade of Gold or Silver for every 100l. value	20 0 0	20 0 0
Bronze, all Works of Art	Free.	Free.
— other Manufactures of for every 100l. value	15 0 0	15 0 0
— Powder for every 100l. value	15 0 0	15 0 0
Bullion and Foreign Coin, of Gold or Silver, and Ore of Gold or Silver, or of which the major part in value is Gold or Silver	Free.	Free.
Bull Rushes	—	—
Butter the cwt.	1 0 0	0 5 0
Buttons (Metal) for every 100l. value	15 0 0	15 0 0
Cables (not being Iron Cables), tarred or untarred, the cwt.	0 6 0	0 3 0
— not being Iron Cables, in actual use of a British ship, and being fit and necessary for such ship, and not or until otherwise disposed of	Free.	Free.
— if and when otherwise disposed of for every 100l. value	10 0 0	5 0 0
— old, and taken from foreign ships, provided the same be rendered unserviceable by reduction into lengths not exceeding three fathoms, for every 100l.	10 0 0	Free.
Camomile flowers	Free.	Free.
Camphor, unrefined	—	—
— refined the cwt.	0 5 0	0 5 0
Camwood	Free.	Free.
Candles, viz.		
— Spermaceti the lb.	0 0 6	0 0 6
— Stearine the lb.	0 0 2½	0 0 2½
— Tallow the cwt.	0 10 0	0 10 0
— Wax the lb.	0 0 4	0 0 4
Candlewick	Free.	Free.
Canella Alba	—	—
Canes, viz.		
— Bamboo	—	—
— Rattans, not ground	—	—
— Reed canes	—	—
— Walking canes or sticks mounted, painted, or otherwise ornamented for every 100l. value	20 0 0	20 0 0
Canes or sticks, unenumerated	Free.	Free.
Cantharides the lb.	0 0 3	0 0 3
Caoutchouc	Free.	Free.
Capers, including the pickle the lb.	0 0 6	0 0 3
Cardamoms	Free.	Free.

TABLE (A).—GOODS, WARES, AND MERCHANDISE IMPORTED—*continued.*

## ARTICLES.

		Rates of Duty.	
		Of or from Foreign Countries.	Of and from British Possessions.
		£. s. d.	£. s. d.
Cards, viz., Playing cards . . . . .	the dozen packs	4 0 0	4 0 0
Carmine . . . . .	the oz.	0 0 6	0 0 6
Carriages of all sorts . . . . .	for every 100L. value	20 0 0	20 0 0
Casks (empty) . . . . .	for every 100L. value	25 0 0	25 0 0
Cassava powder . . . . .	the cwt.	0 5 0	0 1 0
Cassin, viz.			
— Buds . . . . .		Free.	Free.
— Fistula . . . . .			
— Ligneæ . . . . .	the lb.	0 0 3	0 0 1
Castor . . . . .		Free.	Free.
Cast of busts, statues, or figures . . . . .	the cwt.	0 2 6	0 2 6
Catlings . . . . .	the gross, containing 12 dozen knots	0 3 0	0 3 0
Caviare . . . . .	the cwt.	0 5 0	0 5 0
Cedar wood . . . . .		Free.	Free.
Chalk, viz.			
— unmanufactured . . . . .		—	—
— prepared or manufactured, and not otherwise enumerated . . . . .	for every 100L. value	10 0 0	5 0 0
Cheese . . . . .	the cwt.	0 10 6	0 2 6
Cherries, raw . . . . .	for every 100L. value	5 0 0	5 0 0
— dried . . . . .	the lb.	0 0 6	0 0 6
Chicory, or any other vegetable matter applicable to the uses of chicory or coffee, viz.			
— roasted or ground . . . . .	the lb.	0 0 6	0 0 6
— raw or kiln-dried . . . . .	the cwt.	1 0 0	1 0 0
China root . . . . .		Free.	Free.
China or porcelain ware, plain . . . . .	for every 100L. value	15 0 0	15 0 0
— painted, gilt, ornamented . . . . .	for every 100L. value	20 0 0	20 0 0
Chip or willow for plating . . . . .		Free.	Free.
Cider . . . . .	the tun	10 10 0	10 10 0
Cinnabaris Nativa . . . . .		Free.	Free.
Cinnamon . . . . .	the lb.	0 0 6	0 0 3
Citrat of Lime . . . . .		Free.	Free.
Citric Acid . . . . .		—	—
Citron, preserved with Salt . . . . .	for every 100L. value	10 0 0	10 0 0
Civet . . . . .		Free.	Free.
Clocks . . . . .	for every 100L. value	20 0 0	20 0 0
— or Watches of any Metal, impressed with any Mark or Stamp appearing to be, or to represent any legal British Assay Mark or Stamp, or purporting, by any Mark or Appearance, to be of the Manufacture of the United Kingdom . . . . .		Prohibited.	Prohibited.
Cloves . . . . .	the lb.	0 0 6	0 0 6
Coals, Culm, or Cinders . . . . .		Free.	Free.
Cobalt . . . . .		—	—
— Ore . . . . .		—	—
Cochineal and Granilla . . . . .		—	—
— Dust . . . . .		—	—
Cocoa . . . . .	the lb.	0 0 2	0 0 1
— Husks and Shell . . . . .	the lb.	0 0 1	0 0 0½
— Paste, or Chocolate . . . . .	the lb.	0 0 6	0 0 2
Coculus Indicus . . . . .	the cwt.	0 7 6	0 7 6
Coffee . . . . .	the lb.	0 0 6	0 0 4
Coir Rope, Twine, and Strands . . . . .	the cwt.	0 2 6	0 1 3
— Rope and Junk, old and new, cut into Lengths not exceeding 3 feet each . . . . .		Free.	Free.
Colocynth . . . . .		—	—
Columba Root . . . . .		—	—
Comfits, dry . . . . .	the lb.	0 0 6	0 0 3
Confectionery . . . . .	the lb.	0 0 6	0 0 6
Copper, Ore of, viz.			
— containing not more than 15 Parts of Copper in 100 Parts of Ore . . . . .	per ton of metal	3 0 0	1 0 0
— containing not more than 20 Parts of Copper in 100 Parts of Ore . . . . .	per ton of metal	4 10 0	1 0 0
— containing more than 20 Parts of Copper in 100 Parts of Ore . . . . .	per ton of metal	6 0 0	1 0 0
— old, fit only to be re-manufactured . . . . .	the cwt.	0 7 6	0 3 6
— unwrought, viz., in Bricks or Pigs, Rose Copper, and all cast Copper . . . . .	the cwt.	0 8 9	0 4 0
— in part wrought, viz., bars, rods, or ingots, hammered or raised . . . . .	the cwt.	0 10 0	0 5 0
— in plates and Copper Coin . . . . .	the cwt.	0 10 0	0 5 0

TABLE (A.)—GOODS, WARRE, AND MERCHANDISE IMPORTED—continued.

ARTICLES.	Rate of Duty.		Rate of Duty.	
	Of or from Foreign Countries.		Of and from British Possessions.	
	£.	s. d.	£.	s. d.
Copper—Manufactures of Copper, not otherwise enumerated or described, and Copper Plates engraved . . . . . for every 100 <i>l.</i> value	15	0 0	15	0 0
— Copper or Brass Wire . . . . . for every 100 <i>l.</i> value	12	10 0	12	10 0
Copperas, Blue . . . . .	Free.		Free.	
— Green . . . . .	—		—	
— White . . . . .	—		—	
Coral, viz. . . . .	—		—	
— in fragments . . . . .	—		—	
— whole, polished . . . . .	—		—	
— unpolished . . . . .	—		—	
Cordage, tarred or untarred (standing or running Rigging in use excepted) . . . the cwt.	0	6 0	0	3 0
— in actual use of a British Ship, and being fit and necessary for such Ship, and not or until otherwise disposed of . . . . .	Free.		Free.	
— if and when otherwise disposed of . . . . . for every 100 <i>l.</i> value	5	0 0	2	10 0
Cork . . . . .	Free.		Free.	
Corks, ready made . . . . . the lb.	0	0 8	0	0 8
— squared for rounding . . . . . the cwt.	0	16 0	0	16 0
— Fishermen's . . . . . the cwt.	0	2 0	0	2 0
Cotton, Manufactures of . . . . . for every 100 <i>l.</i> value	10	0 0	5	0 0
— Yarn . . . . .	Free.		Free.	
— Articles or Manufactures of Cotton, wholly or in part made up, not otherwise charged with duty . . . . . for every 100 <i>l.</i> value	20	0 0	10	0 0
Cranberries . . . . . the gallon	0	0 1	0	0 1
Crayons . . . . . for every 100 <i>l.</i> value	15	0 0	15	0 0
Cream of Tartar . . . . .	Free.		Free.	
Crystal, viz. . . . .	—		—	
— rough . . . . .	—		—	
— cut or manufactured, except Beads . . . . . for every 100 <i>l.</i> value	15	0 0	15	0 0
Cubebs . . . . .	Free.		Free.	
Cucumbers, viz., preserved . . . . . for every 100 <i>l.</i> value	10	0 0	5	0 0
Currants . . . . . the cwt.	0	15 0	0	15 0
Cutch . . . . .	Free.		Free.	
Dates . . . . . the cwt.	0	10 0	0	10 0
Diamonds . . . . .	Free.		Free.	
Dice . . . . . the pair	1	6 2	1	6 2
Divi Divi . . . . .	Free.		Free.	
Down . . . . .	—		—	
Drugs, not enumerated . . . . .	—		—	
Earthenware, not otherwise enumerated or described . . . . . for every 100 <i>l.</i> value	10	0 0	10	0 0
Ebony . . . . .	Free.		Free.	
Eggs . . . . . the 120	0	0 10	0	0 24
Embroidery and Needlework . . . . . for every 100 <i>l.</i> value	20	0 0	20	0 0
Enamel . . . . . the lb.	0	2 0	0	2 0
Essences not otherwise described, viz. . . . .				
— Extract of Cardamoms . . . . . for every 100 <i>l.</i> value	20	0 0	20	0 0
— Coculus Indicus . . . . . for every 100 <i>l.</i> value	20	0 0	20	0 0
— Guinea Grains of Paradise . . . . . for every 100 <i>l.</i> value	20	0 0	20	0 0
— Licorice . . . . . for every 100 <i>l.</i> value	20	0 0	20	0 0
— Nux Vomica . . . . . for every 100 <i>l.</i> value	20	0 0	20	0 0
— Opium . . . . . for every 100 <i>l.</i> value	20	0 0	20	0 0
— Guinea Pepper . . . . . for every 100 <i>l.</i> value	20	0 0	20	0 0
— Peruvian or Jesuit's Bark . . . . . for every 100 <i>l.</i> value	20	0 0	20	0 0
Quassia . . . . . for every 100 <i>l.</i> value	20	0 0	20	0 0
— Radix Rhataniæ . . . . . for every 100 <i>l.</i> value	20	0 0	20	0 0
— Vitriol . . . . . for every 100 <i>l.</i> value	20	0 0	20	0 0
Extract or Preparation of any article, not being particularly enumerated or described, nor otherwise charged with duty . . . . . for every 100 <i>l.</i> value	20	0 0	20	0 0
— Or, and in lieu of the above duty, at the option of the importer . . . the lb.	0	5 0	0	5 0
Essence of Spruce . . . . . for every 100 <i>l.</i> value	10	0 0	10	0 0
Feathers for Beds, in Beds or otherwise . . . . .	Free.		Free.	
— Ostrich, dressed. . . . . the lb.	1	10 0	1	10 0
— undressed . . . . .	Free.		Free.	

TABLE (A.)—GOODS, WARES AND MERCHANDISE IMPORTED—continued.

ARTICLES.	Rates of Duty.		Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Feathers not otherwise enumerated or described, viz.				
— dressed . . . . . for every 100l. value	10 0 0	10 0 0		
— undressed . . . . .	Free.	Free.		
— Paddy Bird . . . . . the lb.	0 1 0	0 1 0		
— undressed . . . . .	Free.	Free.		
Figs . . . . . the cwt.	0 15 0	0 15 0		
Fish, viz.				
— Eels . . . . . the ship's lading	13 0 0			
— Lobsters . . . . .	Free.			
— Turbots . . . . . the cwt.	0 5 0			
— of foreign taking, imported from foreign places, in other than fishing vessels, viz.				
— Oysters . . . . . the bushel	0 1 6			
— Salmon . . . . . the cwt.	0 10 0			
— Soles . . . . . the cwt.	0 5 0			
— Turtle . . . . . the cwt.	0 5 0			
— Fresh, not otherwise enumerated . . . . . the cwt.	0 1 0			
— Cured, not otherwise enumerated . . . . . the cwt.	0 2 0			
— of British taking, fresh or cured . . . . .	Free.	Free.		
Flasks in which Olive Oil is imported . . . . .	—	—		
Flax and Tow or Codilla of Hemp or Flax, whether dressed or undressed . . . . .	—	—		
Flocks . . . . .	—	—		
Flower Roots . . . . .	—	—		
Flowers, Artificial, not made of Silk . . . . . for every 100l. value	25 0 0	25 0 0		
Frames for Pictures, Prints, or Drawings, . . . . . for every 100l. value	10 0 0	10 0 0		
Fruit, viz., raw, and not otherwise enumerated, . . . . . for every 100l. value	5 0 0	5 0 0		
Fustic . . . . .	Free.	Free.		
Gallic Powder . . . . .	—	—		
Galls . . . . .	—	—		
Gamboge . . . . .	—	—		
Garnets, cut, uncut, not set . . . . .	—	—		
Garancine . . . . .	—	—		
Gauze of Thread . . . . . for every 100l. value	15 0 0	7 10 0		
Gelatine . . . . . the cwt.	0 10 0	0 10 0		
Gentian . . . . .	Free.	Free.		
Ginger . . . . . the cwt.	0 10 0	0 5 0		
— preserved . . . . . the lb.	0 0 6	0 0 1		
Ginseng . . . . .	Free.	Free.		
Until the 10th day of October 1846, the following Duties of Customs :—				
Glass, viz. :—				
— any kind of Window Glass, white or stained of one colour only, not exceeding one ninth of an inch in thickness, and shades and cylinders . . . . . the cwt.	0 14 0	0 14 0		
— all Glass exceeding one ninth of an inch in thickness, all silvered or polished Glass of whatever thickness, however small each pane, plate, or sheet, superficial measure, viz.,				
— not exceeding more than nine square feet . . . . . the square foot	0 1 0	0 1 0		
— containing more than nine square feet, and not more than fourteen square feet . . . . . the square foot	0 2 0	0 2 0		
— containing more than fourteen square feet, and not more than thirty-six square feet . . . . . the square foot	0 2 6	0 2 6		
— containing more than thirty-six square feet . . . . . the square foot	0 3 0	0 3 0		
— painted or otherwise ornamented . . . . . the superficial foot	0 3 0	0 3 0		
— all White Flint Glass Bottles, not cut, engraved, or otherwise ornamented, and beads and bugles of glass . . . . . the lb.	0 0 2	0 0 2		
— Wine Glasses, Tumblers, and all other White Flint Glass Goods, not cut, engraved, or otherwise ornamented . . . . . the lb.	0 0 4	0 0 4		
— all Flint Cut Glass, Flint coloured Glass, and fancy ornamental Glass, of whatever kind, . . . . . the lb.	0 0 8	0 0 8		
— Bottles of Glass covered with Wicker (not being Flint or Cut Glass), or of Green or Common Glass . . . . . the cwt.	0 3 0	0 3 0		
— Manufactures, not otherwise enumerated or described, and old broken Glass, fit only to be remanufactured . . . . . the cwt.	0 14 0	0 14 0		
And from and after the 10th day of October 1846, until the 5th day of April 1848, there shall be charged on the said article one-half of the said duties; and from and after the 5th day of April 1848, one-fourth of the said duties.				



TABLE (A.)—GOODS, WARES, AND MERCHANDISE IMPORTED—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Glue . . . . . the cwt.	0 8 0	0 3 0
— Clippings or waste of any kind, fit only for Glue . . . . .	Free.	Free.
Gold, leaves of . . . . . the 100	0 3 0	0 3 0
Grains, Guinea and Paradise . . . . . the cwt.	0 15 0	0 15 0
Grapes . . . . . for every 100l. value	5 0 0	5 0 0
Grease . . . . .	Free.	Free.
Greaves, for Dogs . . . . .	—	—
— Tallow . . . . .	—	—
Guano . . . . .	—	—
Gum, unenumerated . . . . .	—	—
Gunpowder . . . . . the cwt.	1 0 0	1 0 0
Gun Stocks in the rough, of wood . . . . .	Free.	Free.
Gypsum . . . . .	—	—
Hair, viz.	—	—
— Camel's Hair or Wool . . . . .	—	—
— Cow, Ox, Bull, or Elk Hair . . . . .	—	—
— Goat's Hair or Wool . . . . .	—	—
— Horse Hair . . . . .	—	—
— Human . . . . .	—	—
— Unenumerated . . . . .	—	—
— Manufactures of Hair or Goat's Wool, or of Hair or Goat's Wool and any other material, and articles of such manufacture wholly or in part made up, not particularly enu- merated or otherwise charged with duty . . . . . for every 100l. value	15 0 0	7 10 0
Hams of all Kinds . . . . . the cwt.	0 14 0	0 3 6
Harp Strings, or Lute Strings silvered . . . . . for every 100l. value	20 0 0	20 0 0
Hats or Bonnets, viz.	—	—
— of Chip . . . . . the lb.	0 5 0	0 5 0
— Bast, Cane, or Horse-hair Hats or Bonnets, each Hat or Bonnet not exceeding 22 inches in diameter . . . . . the dozen	0 10 0	0 10 0
— each Hat or Bonnet exceeding 22 inches in diameter . . . . . the dozen	0 15 0	0 15 0
— Straw Hats or Bonnets . . . . . the lb.	0 8 6	0 8 6
— Felt, Hair, Wool, or Beaver Hats . . . . . each	0 2 6	0 2 6
— made of Silk, Silk Shag laid upon Felt, Linen or other Material . . . . . each	0 3 6	0 3 6
Hay . . . . . the load	0 16 0	0 8 0
Heath, for Brushes . . . . .	Free.	Free.
Hellebore . . . . .	—	—
Hemp, dressed . . . . .	—	—
— rough or undressed, or any other Vegetable Substance of the Nature and Quality of un- dressed Hemp, and applicable to the same purpose . . . . .	—	—
Hides, not tanned, tawed, curried, or in any way dressed, dry and wet	—	—
— tawed, curried, or in any way dressed, not being varnished, japanned or enamelled	—	—
— if varnished, japanned, or enamelled . . . . . the lb.	0 0 4	0 0 2
— Loah Hides . . . . . the lb.	0 0 6	0 0 3
— Muscovy or Russia Hides, or Pieces thereof, tanned, coloured, shaved, or otherwise dressed, the lb.	Free.	Free.
— Hides or Pieces thereof, raw or undressed, unenumerated . . . . . the lb.	0 0 4	0 0 2
— tawed, curried, or in any way dressed, not otherwise enumerated, . . . . . for every 100l. value	Free.	Free.
— Tails, Buffalo, Bull, Cow, or Ox . . . . .	10 0 0	5 0 0
Hides tanned, not otherwise dressed . . . . .	Free.	Free.
Hones . . . . .	—	—
Honey . . . . . the cwt.	0 10 0	0 5 0
Hoofs of Cattle . . . . .	Free.	Free.
Hoops of Wood . . . . .	—	—
Hops . . . . . the cwt.	4 10 0	4 10 0
Horns, Horn Tips, and Pieces of Horn . . . . .	Free.	Free.
Indigo . . . . .	—	—
Ink, for Printers . . . . . the cwt.	0 10 0	0 10 0
Inkle, unwrought . . . . .	Free.	Free.
— wrought . . . . . the lb.	0 1 0	0 0 0
Iron, Ore of . . . . .	Free.	Free.
— Pig . . . . .	—	—

TABLE (A).—GOODS, WARRE, AND MERCHANDISE IMPORTED—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Leeches	Free.	Free.
Iron Bars, unwrought	—	—
— old broken and cast Iron	—	—
— and Steel, wrought, not otherwise enumerated	for every 100 <i>l.</i> value	15 0 0
— Bloom	Free.	Free.
— Chromate of	—	—
— slit or hammered into Rods	—	—
— Cast	—	—
— Hoops	—	—
Isinglass	the cwt. 0 5 0	0 5 0
Jalap	Free.	Free.
Japanned or Lacquered Ware	for every 100 <i>l.</i> value	15 0 0
Jet	Free.	Free.
Jewels, Emeralds, and all other precious Stones, viz.	—	—
— unset	—	—
— set	for every 100 <i>l.</i> value	10 0 0
Juice of Lemons, Limes, or Oranges	Free.	Free.
Kingwood	—	—
Kernels of Walnuts and Kernels of Peach Stones, commonly used for expressing Oil therefrom	—	—
Lac, viz., Stick Lac	—	—
Lace, viz.	—	—
— Thread	for every 100 <i>l.</i> value	12 10 0
— made by the hand, commonly called Cushion or Pillow Lace, whether of Linen, Cotton, or Silken Thread	for every 100 <i>l.</i> value	12 10 0
Lamp Black	the cwt. 1 0 0	1 0 0
Lapis Calaminaris	Free.	Free.
Lard	—	—
Latten	—	—
— Shaven	—	—
— Wire	for every 100 <i>l.</i> value	12 10 0
Lavender Flowers	Free.	Free.
Lead, Ore of	—	—
— Black	—	—
— Pig and Sheet	the ton 1 0 0	0 5 0
— Red	Free.	Free.
— White	—	—
— Chromate of	—	—
— Manufactures of, not otherwise enumerated	for every 100 <i>l.</i> value	15 0 0
Leather Manufactures, viz.	—	—
Boots, Shoes, and Calashes, viz.	—	—
— Women's Boots and Calashes	the dozen pairs 0 12 0	0 12 0
— if lined or trimmed with Fur or other Trimming	the dozen pairs 0 15 0	0 15 0
— Shoes with Cork or double Soles, quilted Shoes and Clogs.	the dozen pairs 0 10 0	0 10 0
— if trimmed or lined with Fur or any other Trimming	the dozen pairs 0 12 0	0 12 0
— Women's Shoes of Silk, Satin, Jean, or other Stuffs, Kid, Morocco, or other Leather,	the dozen pairs 0 9 0	0 9 0
— if trimmed or lined with Fur or any other Trimming	the dozen pairs 0 10 0	0 10 0
— Girls' Boots, Shoes, and Calashes, not exceeding 7 inches in length, to be charged with two-thirds of the above duties.	—	—
— Men's Boots	the dozen pairs 1 8 0	1 8 0
— Shoes	the dozen pairs 0 14 0	0 14 0
— Boys' Boots and Shoes, not exceeding 7 inches in length, to be charged with two-thirds of the above duties.	—	—
Boot Fronts, not exceeding nine inches in height	the dozen pairs 0 3 6	0 3 6
— exceeding nine inches in height	the dozen pairs 0 5 6	0 5 6
Leather cut into shapes, or any article made of leather, or any manufacture whereof leather is the most valuable part, not otherwise enumerated or described	for every 100 <i>l.</i> value	15 0 0
Gloves of Leather, viz.	—	—
— Habit Mitts	the dozen pairs 0 2 4	0 2 4
— Gloves	the dozen pairs 0 3 6	0 3 6
— Men's Gloves	the dozen pairs 0 3 6	0 3 6
— Women's Gloves or Mitts	the dozen pairs 0 4 6	0 4 6
Leaves of Roses	Free.	Free.

TABLE (A.)—GOODS, WARES, AND MERCHANDISE IMPORTED—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Lentils . . . . .	Free.	Free.
Lignum Vitæ . . . . .	—	—
Linen, or Linen and Cotton, viz.		
— Cambrics and Lawns, commonly called French Lawns, the piece not exceeding eight yards in length, and not exceeding seven-eighths of a yard in breadth, and so in proportion for any greater or less quantity.		
— Plain . . . . . the piece	0 5 0	0 5 0
— Bordered Handkerchiefs . . . . . the piece	0 5 0	0 5 0
— Lawns of any sort, not French . . . . . for every 100 <i>l.</i> value	15 0 0	15 0 0
— Damasks . . . . . the square yard	0 0 10	0 0 10
— Damask Diaper . . . . . the square yard	0 0 5	0 0 5
— Plain Linens and Diaper, not otherwise enumerated or described, and whether chequered or striped with Dye Yarn or not . . . . . for every 100 <i>l.</i> value	15 0 0	15 0 0
— Sails . . . . . for every 100 <i>l.</i> value	15 0 0	15 0 0
— in actual use of a British Ship, and fit and necessary for such Ship, and not otherwise disposed of . . . . .	Free.	Free.
— Sails, if and when otherwise disposed of . . . . . for every 100 <i>l.</i> value	15 0 0	15 0 0
— Manufactures of Linen, or of Linen Mixed with Cotton or with Wool, not particularly enumerated or otherwise charged with duty . . . . . for every 100 <i>l.</i> value	15 0 0	15 0 0
Liquorice Roots . . . . . the cwt.	1 0 0	0 10 0
— Paste . . . . . the cwt.	1 0 0	0 10 0
— Juice . . . . . the cwt.	1 7 6	0 10 0
— Powder . . . . . the cwt.	1 15 0	0 15 0
Litharge . . . . .	Free.	Free.
Live Creatures illustrative of Natural History . . . . .	—	—
Logwood . . . . .	—	—
Maccaroni and Vermicelli . . . . . the lb.	0 0 1	0 0 1
Mace . . . . . the lb.	0 2 6	0 2 6
Madder'. . . . .	Free.	Free.
— Root . . . . .	—	—
Magna Græcia Ware . . . . . for every 100 <i>l.</i> value	5 0 0	5 0 0
Mahogany . . . . .	Free.	Free.
Manganese Ore . . . . .	—	—
Manna . . . . .	—	—
Manures not enumerated . . . . .	—	—
Manuscripts . . . . . the lb.	0 0 2	0 0 2
Maps or Charts, or Parts thereof, plain or coloured . . . . . each	0 0 1	0 0 1
Maple Wood . . . . .	Free.	Free.
Marmalade . . . . .	0 0 6	0 0 1
Mats and Matting . . . . . for every 100 <i>l.</i> value	5 0 0	2 10 0
Mattresses . . . . . for every 100 <i>l.</i> value	10 0 0	10 0 0
Mead . . . . . the gallon	0 5 6	0 5 6
Meat, salted, or fresh, not otherwise described . . . . . the cwt.	0 8 0	0 2 6
Medals of Gold or Silver . . . . .	Free.	Free.
— of any sort . . . . . for every 100 <i>l.</i> value	5 0 0	5 0 0
Medlars . . . . . the bushel	0 1 0	0 0 0
Mercury, prepared . . . . . for every 100 <i>l.</i> value	10 0 0	10 0 0
Metal, viz.		
— Bell . . . . .	Free.	Free.
— Leaf (except Leaf Gold), . . . . . the packet containing 250 leaves	0 0 1	0 0 0
Mill Boards . . . . . the cwt.	1 10 0	1 10 0
Minerals and Fossils, unenumerated . . . . .	Free.	Free.
Models of Cork or Wood . . . . .	—	—
Morphia, and its Salts . . . . . the lb.	0 5 0	0 5 0
Moss, viz.		
— Lichen, Islandicus . . . . .	Free.	Free.
— Rock, for Dyers Use . . . . .	—	—
— other than Rock or Iceland Moss . . . . .	—	—
— Mother-o'-Pearl Shells . . . . .	—	—
Musical Instruments . . . . . for every 100 <i>l.</i> value	15 0 0	15 0 0
Musk . . . . .	Free.	Free.
Mustard Flour . . . . . the cwt.	0 12 0	0 12 0
Myrobalane Berries . . . . .	Free.	Free.

TABLE (A).—GOODS, WARES, AND MERCHANDISE IMPORTED—*continued.*

ARTICLES.		Rates of Duty.	
		Of or from Foreign Countries. £. s. d.	Of and from British Possessions. £. s. d.
Myrrh		Free.	Free.
Nicaragua Wood		—	—
Nitre, viz., Cubic Nitre		—	—
Nickel, Ore of		—	—
— Metallic and Oxide of, refined		—	—
— Arseniate of, in Lumps or Powder, being in an unrefined State .		—	—
Nutmegs	the lb.	0 3 6	0 2 6
— wild, in the Shell,	the lb.	0 0 3	0 0 3
Nuts, viz.			
— Chesnuts		Free.	Free.
— Coco Nuts		—	—
— Pistachio Nuts		—	—
— Small Nuts	the bushel	0 2 0	0 2 0
— Walnuts	the bushel	0 2 0	0 2 0
— Nuts and Kernels unenumerated		Free.	Free.
— Nuts and Kernels of Walnuts, of Peach Stones, and all Nuts and Kernels unenumerated, commonly used for expressing Oil therefrom		—	—
Nux Vomica	the cwt.	0 5 0	0 5 0
Oakum		Free.	Free.
Ochre		—	—
Oil of Almonds	the lb.	0 0 2	0 0 2
— Bays	the lb.	0 0 2	0 0 2
— Animal		Free.	Free.
— Castor		—	—
— Chemical, Essential, or Perfumed	the lb.	0 1 0	0 1 0
— of Cloves	the lb.	0 3 0	0 3 0
— Lard		Free.	Free.
— Cocoa Nut		—	—
— Linseed		—	—
— Hempseed and Rapeseed		—	—
— Olive		—	—
— Palm		—	—
— Paran		—	—
— Rock		—	—
— Seed, unenumerated		—	—
Train, Blubber, and Spermaceti Oil and Head Matter, the Produce of Fish or Creatures living in the Sea, caught by the Crews of British Vessels, and imported direct from the Fishery, or from any British Possession, in a British Vessel		—	—
— Train and Blubber, the Produce of Fish or Creatures living in the Sea, of Foreign fishing	the tun	6 0 0	—
— Train Oil or Blubber of Foreign Fishing, from and after 1st January 1847		Free.	—
— Spermaceti of Foreign fishing		15 0 0	—
— from and after 1st of January 1849		Free.	—
— Walnut		—	—
— or Spirit of Turpentine	the cwt.	0 5 0	0 2 6
— not particularly enumerated or described, nor otherwise charged with duty		Free.	Free.
— Seed Cake		—	—
Olibanum		—	—
Olives	the gallon	0 2 0	0 2 0
Olive Wood		Free.	Free.
Onions	the bushel	0 0 6	0 0 3
Opium	the lb.	0 1 0	0 1 0
Orange Flower Water	the lb.	0 0 1	0 0 1
Oranges and Lemons, viz.			
— In Chests and Boxes not exceeding 5,000 Cubic Inches	the box	0 2 6	0 2 6
— over 5,000 Cubic Inches, and not exceeding 7,300	the box	0 3 9	0 3 9
— over 7,300 Cubic Inches, and not exceeding 14,000	the box	0 7 6	0 7 6
— For every 1,000 Cubic Inches exceeding 14,000		0 0 7½	0 0 7½
— loose	the 1,000	0 15 0	0 15 0
— entered at value, at the Option of the Importer	for every 100l. value	75 0 0	75 0 0
— Peel		Free.	Free.

TABLE (A.)—GOODS, WARES, AND MERCHANDISE IMPORTED—*continued*.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possession.
	£. s. d.	£. s. d.
Orchal . . . . .	Free.	Free.
Ore, unenumerated . . . . .	—	—
Orpiment . . . . .	—	—
Orris Root . . . . .	—	—
Orsedew . . . . . the cwt.	0 10 0	0 10 0
Painters' Colours, unenumerated		
— unmanufactured . . . . .	Free.	Free.
— manufactured . . . . . for every 100 <i>l</i> . value	10 0 0	10 0 0
Palmetto Thatch . . . . .	Free.	Free.
— Manufactures of ditto . . . . . for every 100 <i>l</i> . value		5 0 0
Paper, viz.		
— Brown, made of old rope or cordage only, without separating or extracting the pitch or tar therefrom, and without any mixture of other materials therewith the lb.	0 0 3	0 0 3
— Printed, painted, or stained Paper, or Paper Hangings, or Flock Paper, the square yard	0 1 0	0 1 0
— Waste, unless printed on in the English language, or paper of any other sort not particularly enumerated or described, nor otherwise charged with duty the lb.	0 0 4½	0 0 4½
— Printed on in the English language . . . . .	Prohibited.	Prohibited.
Parchment . . . . . the dozen sheets	0 6 0	0 6 0
Pasteboards . . . . . the cwt.	1 10 0	1 10 0
Pearls . . . . .	Free.	Free.
Pears, raw . . . . . the bushel	0 0 6	0 0 3
— dried . . . . . the bushel	0 2 0	0 2 0
Pencils . . . . . for every 100 <i>l</i> . value	15 0 0	15 0 0
— of slate . . . . . for every 100 <i>l</i> . value	15 0 0	15 0 0
Pens . . . . . for every 100 <i>l</i> . value	15 0 0	15 0 0
Pepper of all sorts . . . . . the lb.	0 0 6	0 0 6
Percussion caps . . . . . the 1,000	0 0 4	0 0 4
Perfumery, not otherwise charged . . . . . for every 100 <i>l</i> . value	20 0 0	20 0 0
Perry . . . . . the tun	10 10 0	10 10 0
Pewter, manufactures of . . . . . for every 100 <i>l</i> . value	15 0 0	15 0 0
Phosphorus . . . . . for every 100 <i>l</i> . value	10 0 0	10 0 0
Pickles preserved in vinegar . . . . . the gallon	0 0 4	0 0 4
— or Vegetables preserved in salt, . . . . . for every 100 <i>l</i> . value	5 0 0	5 0 0
Pictures . . . . . each	0 1 0	0 1 0
— and further . . . . . the square foot	0 1 0	0 1 0
— above 200 square feet . . . . . each	10 0 0	10 0 0
Pimento . . . . . the cwt.	0 5 0	0 5 0
Pink root . . . . .	Free.	Free.
Pitch . . . . .	—	—
— Burgundy . . . . .	—	—
Plantains . . . . . the cwt.	0 0 2	0 0 2
Plants, Shrubs, and Trees, alive . . . . .	Free.	Free.
Plaster of Paris . . . . .	—	—
Plate of Gold . . . . . for every 100 <i>l</i> . value	10 0 0	10 0 0
— Silver gilt and ungilt . . . . . for every 100 <i>l</i> . value	10 0 0	10 0 0
Plate, battered . . . . .	Free.	Free.
— Wire, gilt or plated . . . . . for every 100 <i>l</i> . value	12 10 0	12 10 0
— Silver . . . . . for every 100 <i>l</i> . value	12 10 0	12 10 0
Platina, and Ore of . . . . .	Free.	Free.
Platting, or other manufactures to be used in, or proper for making Hats or Bonnets, viz.		
— of Bast, Cane, or Horse Hair . . . . . the lb.	0 10 0	0 10 0
— of Chip . . . . .	Free.	Free.
Platting of Straw . . . . . the lb.	0 7 6	0 7 6
Plums, dried or preserved . . . . . the cwt.	1 7 6	1 7 6
— commonly called French Plums and Prunelloes, . . . . . the cwt.	1 0 0	1 0 0
— preserved in Sugar . . . . . the lb.	0 0 6	0 0 6
Pomatun . . . . . for every 100 <i>l</i> . value	20 0 0	20 0 0

TABLE (A).—GOODS, WARES, AND MERCHANDISE IMPORTED—continued.

ARTICLES.		Rates of Duty.	
		Of or from Foreign Countries.	Of and from British Possessions.
		£. s. d.	£. s. d.
Pomegranates	the 1,000	0 5 0	0 5 0
— Peel of		Free.	Free.
Pork, salted (not Hams)	the cwt.	0 8 0	0 2 0
— Fresh	the cwt.	0 8 0	0 2 0
Potatoes	the cwt.	0 0 2	0 0 1
Pots, viz.			
— Melting, for Goldsmiths	the cwt.	0 3 2	0 3 2
— of Stone	for every 100 <i>l.</i> value	20 0 0	20 0 0
Powder, viz.			
— Hair	the cwt.	1 0 0	1 0 0
— Perfumed	the cwt.	1 0 0	1 0 0
— not otherwise enumerated or described, that will serve for the same use as Starch,	the cwt.	0 10 0	0 10 0
Poultry, alive or dead	for every 100 <i>l.</i> value	5 0 0	2 10 0
Prints and Drawings, plain or coloured, single	each	0 0 1	0 0 1
— bound or sewn	the dozen	0 0 3	0 0 3
Prunes	the cwt.	0 7 0	0 7 0
Prussiate of Potash		Free.	Free.
Puddings and Sausages	the lb.	0 0 3	0 0 1
Quassia	the cwt.	0 10 0	0 10 0
Quicksilver		Free.	Free.
Quills, viz.			
— Goose		—	—
— Swan		—	—
Quinces	the 1,000	0 1 0	0 1 0
Quinine, Sulphate of	the oz.	0 0 6	0 0 6
Radix, viz.			
— Contrayervæ		Free.	Free.
— Enulæ Campanæ		—	—
— Eringii		—	—
— Ipecacuanhæ		—	—
— Rhatanisæ		—	—
— Senekæ		—	—
— Serpentariæ, or Snake Root		—	—
Rags, viz.			
— old Rags, old Junk or Ropes, or old Fishing Nets, fit only for making Paper or Pasteboard		—	—
— Pulp of Rags		—	—
— old Woollen		—	—
Raisins	the cwt.	0 15 0	0 7 6
Rape of Grapes		Free.	Free.
Red Wood or Guinea Wood		—	—
Rhubarb		—	—
Rice, viz.			
— not rough nor in the Husk	the cwt.	0 6 0	0 0 6
— rough and in the Husk	the quarter	0 7 0	0 0 1
Rosewood		Free.	Free.
Rodin		—	—
Saccharum Saturni	the cwt.	0 10 0	0 10 0
Safflower		Free.	Free.
Saffron		—	—
Sago	the cwt.	0 1 0	0 1 0
Sal, viz.			
— Ammoniac		Free.	Free.
— Limonum		—	—
— Prunelle		—	—
Salap or Salop		—	—
Salt		—	—
Saltpetre		—	—
Sanguis Draconis		—	—
Santa Maria Wood		—	—
Sapan Wood		—	—
Sarsaparilla		—	—
Sassafras		—	—

TABLE (A.)—GOODS, WARES, AND MERCHANDISE IMPORTED—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Satin Wood	Free.	Free.
Saunders, Red, White, or Yellow	—	—
Sausages or Puddings	the lb. 0 0 3	0 0 1
Scaleboards	the cwt. 1 10 0	1 10 0
Scammony	Free.	Free.
Seeds, viz.		
— Acorns	—	—
— Anniseed	—	—
— Burnet	—	—
— Canary	the bushel 0 4 0	0 2 0
— Carraway	the cwt. 0 10 0	0 5 0
— Carrot	the cwt. 0 10 0	0 5 0
— Clover	the cwt. 0 10 0	0 5 0
— Colchicum	Free.	Free.
— Cole	—	—
— Coriander	—	—
— Croton	—	—
— Cummin	—	—
— Fennugreek	—	—
— Flax	—	—
— Forest	—	—
— Garden, unenumerated, nor otherwise charged with duty	—	—
— Grass, of all sorts, not particularly enumerated, or otherwise charged with duty	the cwt. 0 5 0	0 2 6
— Hemp	Free.	Free.
— Leek	the cwt. 1 0 0	0 10 0
— Lettuce	Free.	Free.
— Linseed	—	—
— Lucerne	the cwt. 0 5 0	0 5 0
— Lupines	Free.	Free.
— Maw	—	—
— Millet	—	—
— Mustard	the bushel 0 1 3	0 0 6
— Onion	the cwt. 1 0 0	0 10 0
— Parsley	Free.	Free.
— Poppy	—	—
— Quince	—	—
— Rape	—	—
— Sesamum	—	—
— Shrub or Tree	—	—
— Tares	—	—
— Trefoil	the cwt. 0 5 0	0 2 6
— Worm	Free.	Free.
— All Seeds unenumerated, commonly used for expressing oil therefrom	—	—
— All other Seeds not particularly enumerated or described, nor otherwise charged with Duty, for every 100l. value	10 0 0	5 0 0
Senna	Free.	Free.
Ships to be broken up with their tackle, apparel, and furniture (except sails), viz.		
— Foreign ships or vessels	for every 100l. value 25 0 0	25 0 0
— Foreign ships broken up	for every 100l. value 10 0 0	10 0 0
— British ships or vessels entitled to be registered as such, and not having been built in the United Kingdom	Free.	Free.
Shumac	—	—
Silk, viz.		
— Knubs or Husks of Silk, and Waste Silk	—	—
— Raw Silk	—	—
— Thrown Silk, not dyed	—	—
— dyed, viz.		
— Singles or Tram	the lb. 0 2 0	0 1 0
— Organzine or Crape Silk	the lb. 0 2 0	0 1 0
— Manufactures of Silk, or of Silk mixed with any other material, the produce of Europe, viz. Silk or Satin, plain	the lb. 0 11 0	—
— or, and at the option of the officers of the Customs	for every 100l. value 25 0 0	—

TABLE (A).—GOODS, WARES, AND MERCHANDISE IMPORTED—*continued*.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Silk, viz.		
— Silk, figured or brocaded . . . . .	the lb. 0 15 0	
— or, and at the option of the officers of the Customs . . . . .	for every 100 <i>l</i> . value 30 0 0	
— Gauze, plain . . . . .	the lb. 0 17 0	
— or, and at the option of the officers of the Customs . . . . .	for every 100 <i>l</i> . value 30 0 0	
— Gauze, figured or brocaded . . . . .	the lb. 1 7 6	
— or, and at the option of the officers of the Customs . . . . .	for every 100 <i>l</i> . value 30 0 0	
— Crape, plain . . . . .	the lb. 0 16 0	
— or, and at the option of the officers of the Customs . . . . .	for every 100 <i>l</i> . value 30 0 0	
— Crape, figured . . . . .	the lb. 0 18 0	
— or, and at the option of the officers of the Customs . . . . .	for every 100 <i>l</i> . value 30 0 0	
— Velvet, plain, . . . . .	the lb. 1 2 0	
— or, and at the option of the officers of the Customs . . . . .	for every 100 <i>l</i> . value 30 0 0	
— Velvet, figured . . . . .	the lb. 1 7 6	
— or, and at the option of the officers of the Customs . . . . .	for every 100 <i>l</i> . value 30 0 0	
— Ribbons, embossed or figured with Velvet . . . . .	the lb. 0 17 0	
— or, and at the option of the officers of the Customs . . . . .	for every 100 <i>l</i> . value 30 0 0	
— and further, if mixed with Gold, Silver, or other metals, in addition to the above rates, when the duty is not charged according to the value. . . . .	the lb. 0 10 0	
— Fancy Silk Net, or Tricot . . . . .	the lb. 1 4 0	
— Plain Silk Lace or Net, called Tulle . . . . .	the square yard 0 1 4	
— Manufactures of Silk, or of Silk mixed with any other material, not particularly enumerated or otherwise charged with duty . . . . .	for every 100 <i>l</i> . value 30 0 0	5 0 0
— Millinery of Silk, or of which the greater part of the material is of silk, viz.		
— Turbans or Caps . . . . .	each 0 15 0	0 15 0
— Hats or Bonnets . . . . .	each 1 5 0	1 5 0
— Dresses . . . . .	each 2 10 0	2 10 0
— or, and at the option of the officers of the Customs . . . . .	for every 100 <i>l</i> . value 40 0 0	40 0 0
— Manufactures of Silk, or of Silk and any other Material and Articles of the same, wholly or in part made up, not particularly enumerated or otherwise charged with duty, . . . . .	for every 100 <i>l</i> . value 30 0 0	30 0 0
— for every 100 <i>l</i> . value . . . . .	20 0 0	20 0 0
Silkworm Gut . . . . .	Free.	Free.
— Skins, Furs, Pelts, and Tails, or Pieces of Skin, raw or undressed, unenumerated . . . . .	Free.	Free.
— Skins, Furs, Pelts, and Tails, or Pieces of Skin, tanned, curried, dressed, unenumerated . . . . .	Free.	Free.
— Articles manufactured of Skins or Furs . . . . .	for every 100 <i>l</i> . value 20 0 0	10 0 0
— Sealts . . . . .	the cwt. 0 10 0	0 10 0
— Sealp, Hard . . . . .	the cwt. 1 10 0	1 0 0
— Soft . . . . .	the cwt. 1 0 0	0 15 0
— Naples . . . . .	the cwt. 2 16 0	2 16 0
— Spina Ware . . . . .	for every 100 <i>l</i> . value 15 0 0	15 0 0
— Specimens of Minerals or Fossils, and all specimens illustrative of Natural History . . . . .	Free.	Free.
— Speckled Wood . . . . .	Free.	Free.
— Spelter or Zinc, viz.		
— crude, in Cakes . . . . .	Free.	Free.
— rolled, but not otherwise manufactured . . . . .	Free.	Free.
— Manufactures of . . . . .	for every 100 <i>l</i> . value 10 0 0	10 0 0
— Camaceti, fine . . . . .	for every 100 <i>l</i> . value 25 0 0	25 0 0
— from and after 1st of January 1849 . . . . .	Free.	Free.
— Spirits or strong Waters of all sorts, viz.		
— For every Gallon of such Spirits or strong Waters of any Strength not exceeding the Strength of Proof by Sykes's Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, viz.		
— not being Spirits or strong Waters the Produce of any British Possession in America, or any British Possession within the limits of the East India Company's Charter, and not being sweetened Spirits or Spirits mixed with any article, so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer . . . . .	the gallon 1 2 6	1 2 6
— Spirits or strong Waters, the Produce of any British Possession in America, not being sweetened Spirits, or Spirits so mixed as aforesaid . . . . .	the gallon 0 9 0	0 9 0
— Rum, the Produce of any British Possession within the limits of the East India Company's Charter, not being sweetened Spirits or Spirits so mixed as aforesaid, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled . . . . .	the gallon 0 9 0	0 9 0



TABLE (A).—GOODS, WARES, AND MERCHANDISE IMPORTED—*continued*.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Spirits or Strong Waters of all Sorts, viz.		
— Rum Shrub, however sweetened, the Produce of and imported from such Possessions in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, or the Produce of and imported from any British Possession in America . . . . .	the gallon	0 9 0
— Spirits or strong Waters, the Produce of any British Possession within the Limits of the East India Company's Charter, except Rum, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, not being sweetened Spirits or Spirits so mixed as aforesaid . . . . .	the gallon	0 15 0
— Spirits, Cordials, or strong Waters, not being the Produce of any British Possession in America, nor any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, sweetened or mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by Sykes's Hydrometer, and perfumed Spirits to be used as Perfumery only . . . . .	the gallon	1 10 0
— strong Waters, except Rum Shrub, being the Produce of any British Possession in America, or of any British Possession qualified as aforesaid, sweetened or mixed with any Article as aforesaid . . . . .	the gallon	1 0 0
— Cordials and Liqueurs, except Rum Shrub, being the Produce of any British Possession in America, or of any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, sweetened or mixed with any Article, so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer . . . . .	the gallon.	0 9 0
Sponge . . . . .	Free.	Free.
Squills, dried and not dried . . . . .	—	—
Starch . . . . .	the cwt. 0 10 0	0 5 0
Starch, Gum of, torrifed or calcined, commonly called British Gum . . . . .	the cwt. 0 15 0	0 15 0
Stavesacre . . . . .	Free.	Free.
Steel, Manufactures of . . . . .	for every 100 <i>l.</i> value 15 0 0	15 0 0
— unwrought . . . . .	Free.	Free.
Scrap Steel . . . . .	—	—
Stones, in Lumps not in any manner hewn, Slate and Marble in rough Blocks or Slabs, Limestone, Flint Stones, Felspar, and Stones for Potters use, Pebble Stones, Stone to be used for the Purpose of Lithography . . . . .	Free.	Free.
— in Blocks, shaped or rough scalped . . . . .	—	—
— Stone and Slate, hewn . . . . .	the ton 0 10 0	0 1 0
— Marble, sawn, in Slabs, or otherwise manufactured . . . . .	the cwt. 0 3 0	0 1 6
Straw or grass for platting . . . . .	Free.	Free.
Succades, including all Fruits and Vegetables preserved in Sugar . . . . .	the lb. 0 0 6	0 0 1
Sulphur Impressions . . . . .	Free.	Free.
— vivum. <i>See</i> Brimstone.	—	—
Sweet Wood . . . . .	—	—
Talc . . . . .	—	—
Tallow . . . . .	the cwt. 0 3 2	0 0 3
Tamarinds . . . . .	the lb. 0 0 3	0 0 1
Tapioca . . . . .	the cwt. 0 1 0	0 1 0
Tar . . . . .	Free.	Free.
— Barbadoes . . . . .	—	—
— Tarras . . . . .	—	—
Tartaric Acid . . . . .	—	—
Tea . . . . .	the lb. 0 2 1	0 2 1
Teasles . . . . .	Free.	Free.
Teeth, viz., Elephant, Sea Cow, Sea Horse, or Sea Mors . . . . .	—	—
Telescopes . . . . .	for every 100 <i>l.</i> value 15 0 0	15 0 0
Terra Japonica . . . . .	Free.	Free.
— Sienna . . . . .	—	—
— Umbra . . . . .	—	—
— Verde . . . . .	—	—
Thread, not otherwise enumerated or described . . . . .	for every 100 <i>l.</i> value 10 0 0	5 0 0
Tiles . . . . .	for every 100 <i>l.</i> value 10 0 0	5 0 0
Tin, Ore and Regulus of . . . . .	Free.	Free.
— in Blocks, Ingots, Bars, or Slabs . . . . .	the cwt. 0 6 0	0 5 0

TABLE (A).—GOODS, WARES, AND MERCHANDISE IMPORTED—*continued.*

ARTICLES.		Rates of Duty.	
		Of or from Foreign Countries.	Of and from British Possessions.
		£. s. d.	£. s. d.
Tin, Manufactures of, not otherwise enumerated	for every 100 <i>l.</i> value	15 0 0	15 0 0
— Foil	the lb.	0 0 6	0 0 6
Tinical, unrefined		Free.	Free.
Tobacco, viz.			
— unmanufactured	the lb.	0 8 0	0 3 0
— Snuff	the lb.	0 6 0	0 6 0
— manufactured, or Cigars	the lb.	0 9 0	0 9 0
— Stalks and Flour of		Prohibited.	Prohibited.
— manufactured in the United Kingdom, at or within two miles of any Port into which Tobacco may be imported, made into Shag, Roll, or Carrot Tobacco, Drawback upon Exportation or Shipment as Stores	the lb., 2 <i>s.</i> 7½ <i>d.</i>		
Tobacco Pipes of Clay	for every 100 <i>l.</i> value	15 0 0	15 0 0
Tongues	the cwt.	0 10 0	0 2 6
Tornal		Free.	Free.
Tortoiseshell or Turtle-shell, unmanufactured		—	—
Toys, excepting Toy and Hand Mirrors, on which the Plate Glass Duty will be levied	for every 100 <i>l.</i> value	10 0 0	10 0 0
Truffles	the lb.	0 1 0	0 1 0
Tulip Wood		Free.	Free.
Turmeric		—	—
Turnery, not otherwise described	for every 100 <i>l.</i> value.	15 0 0	15 0 0
Turpentine, viz.			
— not being of greater value than 15 <i>s.</i> per cwt.		Free.	Free.
— above 15 <i>s.</i> value per cwt.	the cwt.	0 2 0	0 2 0
— of Venice, Scio, or Cyprus		Free.	Free.
Twine	the cwt.	0 10 0	0 5 0
Ultra Marine		Free.	Free.
Yalonia		—	—
Vanelloes	the lb.	0 5 0	0 5 0
Varnish, not otherwise described	for every 100 <i>l.</i> value	15 0 0	15 0 0
Vases, Ancient, not of Stone or Wood		Free.	Free.
Vegetables, viz., all Vegetables not enumerated or described	for every 100 <i>l.</i> value	5 0 0	2 10 0
Vellum	the skin	0 1 0	0 1 0
Verdigris	the cwt.	0 5 0	0 5 0
Verjuice	the tun	10 0 0	10 0 0
Vermillion		Free.	Free.
Vinegar	the tun	4 4 0	4 4 0
Wafers	the lb.	0 0 3	0 0 3
Washing Balls	the lb.	0 0 6	0 0 6
Walnut Wood		Free.	Free.
Watches of Gold, Silver, or other Metal	for every 100 <i>l.</i> value	10 0 0	10 0 0
Water, Cologne, the Flask (thirty containing not more than one gallon)		0 1 0	0 1 0
— Mineral Water		Free.	Free.
Wax, Bees Wax		—	—
— in any degree bleached		—	—
— Myrtle Wax		—	—
— Sealing Wax	for every 100 <i>l.</i> value	15 0 0	15 0 0
— Vegetable		Free.	Free.
Weld		—	—
Whales Fins, British taking, and imported direct from the Fishery, or from any British possession, in a British ship	for every 100 <i>l.</i> value	20 0 0	20 0 0
— otherwise taken		Free.	Free.
— Foreign taking, and not prohibited, from and after the 1st January 1847	the lb.	0 0 6	0 0 6
Whipcord			
Wine, viz.			
— the Produce of the Cape of Good Hope or the territories or dependencies thereof, and imported directly from thence	the gallon		0 2 9
— French	the gallon	0 5 6	
— Canary	the gallon	0 5 6	
— Madeira	the gallon	0 5 6	
— Portugal	the gallon	0 5 6	
— Rhenish	the gallon	0 5 6	

TABLE (A).—GOODS, WARES, AND MERCHANDISE IMPORTED—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Wine, viz.		
— Spanish . . . . .	the gallon 0 5 6	
— other sorts . . . . .	the gallon 0 5 6	
(The full duties on Wine are drawn back upon re-exportation or shipment as stores.)		
— Lees, subject to the same duty as Wine, but no drawback is allowed on the Lees of Wine exported.		
Wood . . . . .	Free.	Free.
Wood.		
Timber and Woods not otherwise charged, viz.		
Timber or Woods, not being Deals, Battens, Boards, Staves, Handspikes, Oars, Lathwood, or other Timber or Wood, sawn, split, or otherwise dressed, except hewn, and not being Timber or Wood otherwise charged with duty, the load of 50 cubic feet	1 5 0	0 1 0
— Deals, Battens, Boards, or other Timber or Wood, sawn or split, and not otherwise charged with duty, the load of 50 cubic feet	1 12 0	0 2 0
Staves the load of 50 cubic feet	1 8 0	0 2 0
Staves not exceeding 72 inches in length, nor 7 inches in breadth, nor 8½ inches in thickness	Free.	Free.
Birch, hewn, not exceeding 3 feet in length, nor exceeding 8 inches square, imported for the sole purpose of making Herring Barrels for the use of the Fisheries		
Firewood the fathom of 216 cubic feet	0 10 0	Free.
Handspikes, not exceeding 7 feet in length the 120	1 0 0	0 0 6
— exceeding 7 feet in length the 120	2 0 0	0 1 0
Knees, under 5 inches square the 120	0 10 0	0 0 3
— 5 inches, and under 8 inches square the 120	2 0 0	0 1 0
Lathwood the fathom of 216 cubic feet	2 0 0	0 1 0
Oars the 120	7 10 0	0 3 9
Spars or Poles, under 22 feet in length, and under 4 inches in diameter the 120	1 0 0	0 0 6
— 22 feet in length and upwards, and under 4 inches in diameter the 120	2 0 0	0 1 8
— of all lengths, 4 inches and under 6 inches in diameter the 120	4 0 0	0 2 0
Spokes for Wheels, not exceeding 2 feet in length the 1,000	2 0 0	0 1 0
— exceeding 2 feet in length the 1,000	4 0 0	0 2 6
Teake	Free.	Free.
Wood for Shipbuilding, previously admitted at the same duty as Teake		
Wastewood, viz., Billetwood or Brushwood, used for the purposes of stowage for every 100L. value	5 0 0	0 5 0
Wood, planed, or otherwise dressed or prepared for use, and not particularly enumerated, rated, nor otherwise charged with duty	7½ d. per foot of cubic contents, and further for every 100L. value, 10 0 0	For every 100L. value, 5 0 0
— Maple, being furniture wood	Free.	Free.
— New Zealand Wood, being furniture wood	Free.	Free.
Or, in lieu of the duties imposed upon wood by the load according to the cubic content, the importer may have the option, at the time of passing the first entry, of entering Battens, Batten Ends, Boards, Deals, Deal Ends, and Plank, by tale, if of or from foreign countries, according to the following dimensions:—		
Battens and Batten Ends:—		
	Not above 7 inches in width.	Not above 1½ inch in thickness. Above 1½ inch and not above 2½ in thickness.
	£. s. d.	£. s. d.
Not above 6 feet in length, the 120		1 10 10
Above 6 and not above 9 feet in length, the 120		2 6 2
Above 9 and not above 12 feet in length, the 120		3 1 7
Above 12 and not above 15 feet in length, the 120		3 17 0
Above 15 and not above 18 feet in length, the 120		4 12 6
Above 18 and not above 21 feet in length, the 120		5 7 9
Boards, Deals, Deal Ends, and Plank:—		
	Not above 9½ inches in width.	Not above 1½ inch in thickness. Above 1½ inch and not above 3½ in thickness.
	£. s. d.	£. s. d.
Not above 6 feet in length, the 120		2 9 5
Above 6 and not above 9 feet in length, the 120		3 14 1
Above 9 and not above 12 feet in length, the 120		4 18 10
Above 12 and not above 15 feet in length, the 120		6 3 6
Above 15 and not above 18 feet in length, the 120		7 8 3
Above 18 and not above 21 feet in length, the 120		8 12 11

TABLE (A).—GOODS, WARES, AND MERCHANDISE IMPORTED—continued.

ARTICLES.		Rates of Duty.	
		Of or from Foreign Countries.	Of and from British Possessions.
		£. s. d.	£. s. d.
Not above 6 feet in length, the 120	{ Above 9½ Inches and not above 11½ in Width. }	2 19 10	5 19 7
Above 6 and not above 9 feet in length, the 120	"	4 9 8	8 19 5
Above 9 and not above 12 feet in length, the 120	"	5 19 7	11 19 2
Above 12 and not above 15 feet in length, the 120	"	7 9 6	14 19 0
Above 15 and not above 18 feet in length, the 120	"	8 19 5	17 18 9
Above 18 and not above 21 feet in length, the 120	"	10 9 4	20 18 7
Wool, viz. :—			
— Alpaca, and the Llama Tribe		Free.	Free.
— Beaver		—	—
— cut and combed		—	—
— Coney		—	—
— Cotton, or Waste of Cotton Wool		—	—
— Goats, or Hair		—	—
— Hares		—	—
— Sheep or Lambs Wool		—	—
Woollens, viz. :—			
— Manufactures of Wool, not being Goat's Wool, or of Wool mixed with Cotton, not particularly enumerated or described, not otherwise charged with duty,	for every 100l. value	15 0 0	5 0 0
— Articles or Manufactures of Wool, not being Goat's Wool, or of Wool mixed with Cotton, wholly or in part made up, nor otherwise charged with duty,	for every 100l. value	20 0 0	10 0 0
Yarn, viz. :—			
— Cable	the cwt.	0 8 0	0 8 0
— Camel or Mohair		Free.	Free.
— Raw Linen		—	—
Worsted	the lb.	0 0 6	0 0 6
Zaffre		Free.	Free.
Zebra Wood		—	—
Goods, Wares, and Merchandise, being either in part or wholly manufactured, and not being enumerated or described, not otherwise charged with duty, and not prohibited to be imported into or used in Great Britain or Ireland	for every 100l. value	20 0 0	20 0 0
Goods unenumerated, not being either in part or wholly manufactured, not enumerated or pro- hibited		Free.	Free.

TABLE (B).

DUTIES of CUSTOMS payable on Goods the Produce of the United Kingdom exported to Foreign Countries.

	the ton	Rate of Duty.		
		£.	s.	d.
Coals, Culm, or Cinders in a foreign ship		0	4	0

## CAP. XCI.

## AN ACT for the warehousing of Goods.

(4th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Commencement of Act.*
2. *Treasury to appoint warehousing ports.*—Commissioners to appoint warehouses, and require bond.
3. *Warehouses of special security to be so stated on their appointment.*—Warehouses connected with wharfs, and within walls, &c., to be warehouses of special security, without appointment.
4. *Appointments made and bonds given previous to Act to continue in force.*

5. Commissioners to provide warehouses for tobacco, and Treasury to fix rent.
6. Power to revoke or alter appointment.
7. Publication of appointment in Gazette.
8. Warehouse keeper may give general bond, if willing ;—or importer give particular bond.
9. Sale of goods in warehouse by proprietor to be valid, although they remain in such warehouse.—Transfer of such goods to be entered in a book.
10. Stowage in warehouse to afford easy access.
11. Occupiers of warehouses to produce, on demand, goods to officers of Customs, or to forfeit 5*l*.
12. Goods fraudulently concealed or removed forfeited.—Penalty on opening the warehouse without the officer, 500*l*.
13. Persons assisting in the removing of goods entered for the warehouse, and not deposited there, subject to penalties.
14. Examination on entry and landing.—Marking package.
15. Goods to be carried to warehouse under authority of officer of Customs.
16. Goods to be cleared in three years ; ship's stores in one year ; if not cleared to be sold.—Purchaser allowed three months.
17. In case of accident in landing or shipping goods, duty may be remitted.
18. Duties on goods lost or destroyed in warehouse by accident remitted ; and on certain goods warehoused to be charged on quantity delivered.
19. Entry for exportation or home use.—Goods permitted to be shipped from the warehouse duty free, as ship's stores.
20. Rum for stores and surplus stores may be shipped without entry, if borne on victualling bill ;—or entered for private use.
21. Duties to be paid on original quantities, except in certain cases.—If for exportation or removal, duties on deficiencies to be paid.—How value ascertained.
22. Duties on tobacco, sugar, and spirits to be charged on quantities delivered, except in certain cases.—No allowance for leakage.
23. Allowances for natural deficiency on corn or grain in warehouse.
24. Importer may enter goods for home use or for exportation, although not actually warehoused.
25. Goods may be removed to other ports to be re-warehoused ;—and on notice given, officers to prepare them for removal.—Tobacco for use of navy may be removed to certain ports.
26. Entry of goods for removal.—Account sent to other ports.—Entry at port of arrival to re-warehouse.—Forms of entries.—Examination of officers.—Certificate of arrival sent to port of removal.
27. Bond to re-warehouse, which may be given at either port.
28. Bond how to be discharged.
29. Goods re-warehoused held on terms of first warehousing.
30. On arrival, after forms of re-warehousing, parties may enter to export, or take for home use, without first carrying to the warehouse.
31. Removal in the same port.
32. Goods and parties subject to original conditions.
33. Goods sold, new owner may give bond, and release the original bond.
34. Bond of remover to be in force in new warehouse until fresh bond be given by new owner.
35. To sort, separate, and re-pack in same or equal packages ;—to bottle off wine or rum for exportation ;—to draw off rum in stores ;—to mix brandy with wine ;—to fill up or rack off casks of wine ;—to take samples.
36. No alteration to be made in goods or packages, but according to regulations.
37. Re-packing in proper packages.—After re-packing damaged parts may be destroyed.—Disposal of surplus quantity.—Quantities in new packages to be marked, and deficiency to be apportioned.—Abandonment of goods for the duty.
38. No foreign casks, &c. to be used for re-packing unless duties paid.
39. Goods may be delivered out of warehouse for such purposes as the Commissioners of Customs may direct.
40. Goods in bulk delivered.
41. Packages to be marked before delivery.
42. Commissioners of Her Majesty's Customs may approve of premises for refining sugar for exportation.
43. On approval thereof, officers of Customs empowered to deliver sugars duty free, to be there refined for exportation only.—Order of approval may be revoked.
44. Refiner to give bond.
45. Decrease and increase may be ascertained and allowed, under regulations of the Treasury.—No duty on deficiency of gum exported from warehouses declared of special security.
46. Allowances for natural waste of wine, spirits, &c., in warehouses not of special security, on exportation.
47. In case of embezzlement and waste through misconduct of officers, damages to be made good to the proprietor.
48. On entry outwards, bond for due shipping and landing shall be given.
49. Goods removed from warehouse for shipment under care of Customs officers.
50. Ships to be not less than sixty tons for exporting such goods.
51. Goods landed in docks liable to claims for freight as before landing.
52. Alteration of Act.

By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 57, whereby the laws of Customs in relation to the warehousing of goods were consolidated : And that since the passing of the said Act divers parts of Acts for the further amendment of the law in this respect have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Acts and parts of Acts should be consolidated into one Act :—

## It is Enacted,

I. That from and after the passing of this Act the same shall come into and be and continue in full force and effect for the purposes therein mentioned, except where any other commencement is therein particularly directed.

II. That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, by their warrant from time to time, to appoint the ports in the United Kingdom which shall be warehousing ports for the purposes of this Act; and that it shall be lawful for the Commissioners of Her Majesty's Customs, subject to the authority and directions of the Commissioners of Her Majesty's Treasury, by their order from time to time to appoint in what warehouses or places of special security, or of ordinary security, as the case may require, in such ports, and in what different parts or divisions of such warehouses or places, and in what manner, any goods, and what sorts of goods, may and may only be warehoused and kept and secured without payment of any duty upon the first entry thereof, or for exportation only, in cases where the same may be prohibited to be imported for home use; and also in such order to direct in what cases (if any) security by bond, in manner hereinafter provided, shall be required in respect of any warehouse so appointed by them.

III. That whenever any warehouse shall have been approved of by the said Commissioners of Her Majesty's Customs as being a warehouse of special security, it shall be stated in their order of appointment that such warehouse is appointed as a warehouse for special security: Provided always, that all warehouses connected with the wharfs for the landing of the goods to be lodged therein, and inclosed together with such wharfs within walls such as are or shall be required by any Act for the constructing of such warehouses and wharfs, and being appointed to be legal quays, shall, without any order of the said Commissioners, be warehouses for the purposes of this Act for all goods landed at such wharfs or quays at any port appointed by the Commissioners of Her Majesty's Treasury to be a warehousing port as aforesaid, and all such warehouses shall be warehouses of special security.

IV. That all appointments of warehouses for the warehousing of goods made under the authority of any other Act in force at the time of the commencement of this Act, shall continue in force as if the same had been made under the authority of this Act; and all bonds given in respect of any goods warehoused or entered to be warehoused under any Act in force at the time of the commencement of this Act, shall continue in force for the purposes of this Act.

V. That the Commissioners of Her Majesty's Customs shall, out of the monies arising from the duties of Customs, provide from time to time the warehouses for the warehousing of tobacco at the ports into which tobacco may be legally imported: Provided always, that for every hogshead, chest, case, or other package of tobacco so warehoused the importer or proprietor thereof shall pay as and for warehouse rent such sum or sums, not exceeding any sum payable under any Act in force at the time of the commencement of this Act, and at such periods and in such manner, as the Commissioners of Her Majesty's Treasury shall from time to time by their warrant appoint and direct, and all such sums shall be paid, received, and appropriated as duties of Customs.

VI. That it shall be lawful for the said Commissioners of Her Majesty's Treasury by their warrant, and for the said Commissioners of Customs by their order, from time to time to revoke any former warrant or any former order, or to make any alteration in or addition to any former warrant or any former order made as aforesaid by them respectively.

VII. That every order made by the said Commissioners of Her Majesty's Customs in respect of warehouses of special security, as well those of original appointment as those of revocation, alteration, or addition, shall be published in the *London Gazette* for such as shall be appointed in Great Britain, and in the *Dublin Gazette* for such as shall be appointed in Ireland.

VIII. That before any goods shall be entered to be warehoused in any warehouse, in respect of which security by bond shall be required as aforesaid, the proprietor or occupier of such warehouse, if he be willing, shall give general security by bond, with two sufficient sureties, for the payment of the full duties of importation on all such goods as shall at any time be warehoused therein, or for the due exportation thereof; and if such proprietor or occupier be not willing to give such general security, the different importers of the separate quantities of goods shall upon each importation, before such goods shall be entered to be warehoused, give such security by bond with one sufficient surety, in respect of the particular goods imported, the penalty of such bond being double the amount of the duty to which such goods are subject.

IX. That if any goods lodged in any warehouse shall be the property of the occupier of such warehouse, and shall be *bond* sold by him, and upon such sale there shall have been a written agreement signed by the parties, or a written contract of sale made, executed, and delivered by a broker, or other person legally authorized for or in behalf of the parties respectively, the amount of the price stipulated in the said agreement or contract shall have been actually paid or secured to be paid by the purchaser, every such sale shall be valid, although such goods shall remain in such warehouse; provided that a transfer of such goods, according to such sale, shall have been entered in a book to be kept for that purpose by the officer of the Customs having the charge of such warehouse, who is hereby required to keep such book and to enter such transfers, with the date thereof, upon application of the owners of the goods, and to produce such book upon demand made.

X. That all goods warehoused shall be stowed in such manner as that easy access may be had to every package and parcel of the same, and if the occupier of the warehouse shall omit so to stow the same he shall for every such omission forfeit the sum of 5*l.*; and if any goods shall be taken out of any warehouse without due entry of the same with the proper officers of the Customs, the occupier of the warehouse shall be liable to the payment of the duties due thereon.

XI. That the occupier or occupiers of any warehouse in which goods are deposited under the provisions of this Act shall, on any request being made by any officer duly authorized by the Commissioners of Her Majesty's Customs, immediately deliver to such officer any goods deposited therein, or received into his or their custody, for the delivery of which the said occupier or occupiers has or have not received an order duly signed by the proper warehouse officer, and upon every failure to do so such occupier or occupiers shall forfeit the sum of 5*l.*, over and above the duties to which every package or parcel of goods so produced may be liable.

XII. That if any goods warehoused shall be fraudulently concealed in or removed from the warehouse the same shall be forfeited; and if any importer or proprietor of any goods warehoused, or any person in his employ, shall by any contrivance fraudulently open the warehouse, or gain access to the goods, except in the presence of the proper officer acting in the execution of his duty, such importer or proprietor shall forfeit and pay for every such offence the sum of 500*l*.

XIII. That if any goods entered to be warehoused under any law made for the warehousing of goods shall be removed and not deposited in a warehouse or place of security, in pursuance of such entry, every person who shall remove or assist or be otherwise concerned in the removing of any such goods, or who shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, any such goods so removed, and every person to whose hands and possession any goods so removed shall knowingly come, shall forfeit either treble the value thereof, or the penalty of 100*l*. at the election of the Commissioners of Her Majesty's Customs, and such goods shall be forfeited.

XIV. That within one month after any tobacco shall have been warehoused, and upon the entry and landing of any other goods to be warehoused, the proper officer of Customs shall take a particular account of the same, and shall mark the contents on each package, and shall mark the word "prohibited" on such packages as contain goods prohibited to be imported for home use; and that all goods shall be warehoused and kept in the packages in which they shall have been imported, and no alteration shall be made in the packages or the packing of any goods in the warehouse, except in the cases hereinafter provided.

XV. That all goods entered to be warehoused or to be re-warehoused shall be carried into the warehouse under the care or with the authority or permission of the proper officer of Customs, and in such manner and by such persons, and by such roads or ways, and within such spaces of time, as the proper officer of Customs shall authorize, permit, or direct, and all such goods not so carried shall be forfeited.

XVI. That all goods which shall have been so warehoused shall be duly cleared either for exportation or for home use within three years, and all surplus stores of ships within one year from the day of the first entry thereof, unless further time be given by the Commissioners of Her Majesty's Treasury; and if any such goods be not so cleared, it shall be lawful for the Commissioners of Her Majesty's Customs to cause the same to be sold, and the produce shall be applied to the payment of the warehouse rent and other charges, and the overplus (if any) shall be paid to the proprietor; and such goods, when sold, shall be held subject to all the conditions to which they were subject previous to such sale, except that a further time of three months from the date of the sale shall be allowed to the purchaser for the clearing of such goods from the warehouse; and if the goods so sold shall not be duly cleared from the warehouse within such three months the same shall be forfeited.

XVII. That if any goods entered to be warehoused, or entered to be delivered from the warehouse, shall be lost or destroyed by any unavoidable accident, either on ship-board or in the landing or shipping of the same, or in the receiving into or delivering from the warehouse, it shall be lawful for the Commissioners of Her Majesty's Customs to remit or return the duties payable or paid on the quantity of such goods so lost or destroyed.

XVIII. That it shall be lawful for the Commissioners of Her Majesty's Customs to remit the duties payable or paid on the whole or any portion of any goods which shall be lost or destroyed by any unavoidable accident in the warehouse in which the same shall have been deposited under the provisions of this or any other Act passed for the warehousing of goods; and that the duties payable upon the following articles deposited in warehouses of special security, that is to say, wines, currants, raisins, figs, hams, and cheese, when taken out of the warehouse for home use, shall be charged upon the quantities ascertained by the measure or weight of the same actually delivered.

XIX. That no goods which have been so warehoused shall be taken or delivered from the warehouse, except upon due entry, and under care of the proper officers for exportation, or upon due entry and payment of the full duties payable thereon for home use, if they be such goods as may be used in the United Kingdom, save and except goods delivered into the charge of the searchers to be shipped as stores, and which shall and may be so shipped without entry or payment of any duty for any ship of the burden of sixty tons at least, bound upon a voyage to foreign parts, the probable duration of which, out and home, will not be less than forty days: Provided always, that such stores shall be duly borne upon the ship's victualling bill, and shall be shipped in such quantities and subject to such directions and regulations as the Commissioners of Customs shall direct and appoint.

XX. Provided and enacted, That any rum of the British plantations may be delivered into the charge of the searcher to be shipped as stores for any ship without entry or payment of any duty, and any surplus stores of any ship may be delivered into the charge of the searcher to be re-shipped as stores for the same ship, or for the same master in another ship, without entry or payment of any duty, such rum and such surplus stores being duly borne upon the victualling bills of such ships respectively, and if the ship, for the future use of which any surplus stores have been warehoused, shall have been broken up or sold, such stores may be so delivered for the use of any other ship belonging to the same owners, or may be entered for payment of duty, and delivered for the private use of such owners, or any of them, or of the master and purser of such ship.

XXI. That upon the entry of any such goods to be cleared from the warehouse, if the same be for home use, the person entering such goods inwards shall deliver a bill of the entry and duplicates thereof, in like manner as directed by law in the case of goods entered to be landed, as far as the same is applicable, and at the same time shall pay down to the proper officer of the Customs the full duties of Customs payable thereon, and not being less in amount than according to the account of the quantity first taken of the respective packages or parcels of the goods in such entry at the examination thereof, at the time of the first entry and landing of the same, without any abatement on account of any deficiency, except by this Act is otherwise provided; and that if the entry be for exportation or for removal to any other warehouse, and any of the packages or parcels of the goods be deficient of the respective quantities of the same according to the account first taken as aforesaid,

a like entry inwards shall also be passed in respect of the quantities so deficient, and the full duties shall be paid on the amount thereof before such packages or parcels of goods shall be delivered or taken for exportation or removal, except as by this Act is otherwise provided; and if any goods so deficient in quantity shall be such as are charged to pay duty according to the value thereof, such value shall be estimated at the price for which the like sorts of goods of the best quality shall have been last or lately sold.

**XXII.** That the duties payable upon tobacco, sugar, and spirits respectively, when taken out of warehouse for home use, shall be charged upon the quantities ascertained by the weight, measure, or strength of the same actually delivered, save and except that if the sugar shall not be in a warehouse of special security no greater abatement on account of deficiency of the quantity, first ascertained as aforesaid, shall be made than shall be after the rate of 3*l.* per cent. of such quantity for the first three months, and 1*l.* per cent. for every subsequent month during which such sugar shall have been warehoused; and also save and except that if the spirits (being any other spirits than rum of the British plantations) shall not be in a warehouse of special security no greater abatement on account of deficiency of the quantity or strength first ascertained as aforesaid shall be made than shall be after the several rates of allowances following; (that is to say),

For every hundred gallons hydrometer proof:—

For any time not exceeding six months, one gallon :

For any time exceeding six months, and not exceeding eighteen months, three gallons :

For any time exceeding eighteen months, and not exceeding two years, five gallons :

For any time exceeding two years, and not exceeding two years and a half, six gallons :

For any time exceeding two years and a half, and not exceeding three years, seven gallons :

And for every additional year, two gallons :

Provided always, that no abatement shall be made in respect of any deficiency in quantity of any spirits occasioned by leakage and not by natural evaporation, in whatever warehouse the same may be, except as by this Act is otherwise specially provided.

**XXIII.** That in respect of any wheat or barley, or any rye or any oats, lodged in warehouses without payment of duty on the first importation thereof, the following allowances for natural waste shall be made upon the exportation thereof, or upon the entry thereof for home consumption; (that is to say),

In respect of all wheat, barley, and rye, except as is hereinafter provided, which has been in warehouse one month and less than three months, there shall be allowed 1½*l.* per cent. :

In respect of all wheat, barley, and rye, except as hereinafter provided, which has been in warehouse three months and less than six months, there shall be allowed 2*l.* per cent. :

In respect of all wheat, barley, and rye, except as is hereinafter provided, which has been in warehouse six months and less than twelve months, there shall be allowed 2½*l.* per cent. :

And in respect of all wheat, barley, and rye, except as is hereinafter provided, which has been in warehouse twelve months and upwards, there shall be allowed 3*l.* per cent. :

In respect of oats, except as is hereinafter provided, which have been in warehouse one month, and less than three months, there shall be allowed 2½*l.* per cent. :

In respect of oats, except as is hereinafter provided, which have been in warehouse three months and less than six months, there shall be allowed 3½*l.* per cent. :

In respect of oats, except as is hereinafter provided, which have been in warehouse six months and less than twelve months, there shall be allowed 4½*l.* per cent. :

And in respect of oats, except as is hereinafter provided, which have been in warehouse twelve months and upwards, there shall be allowed 5*l.* per cent. :

Provided nevertheless, that only half the above allowances hereby directed to be made on wheat and barley and oats respectively shall be made upon Spanish wheat and barley and oats respectively, and upon wheat and barley kiln-dried abroad respectively, and that no such allowance shall be made in respect of rye being kiln-dried: Provided also, that no such allowance shall be made unless there shall be an actual deficiency in the quantity of such wheat, rye, barley, and oats actually warehoused.

**XXIV.** That if after any goods shall have been duly entered and landed to be warehoused, and before the same shall have been actually deposited in the warehouse, the importer shall further enter the same, or any part thereof, for home use or for exportation, as from the warehouse, the goods so entered shall be considered as virtually and constructively warehoused, though not actually deposited in the warehouse, and shall and may be delivered and taken for home use or for exportation, as the case may be.

And after reciting that it is expedient to make regulations for the removal of warehoused goods from one warehousing port to another, and from one warehouse to another in the same port;—

It is Enacted,

**XXV.** That any goods which have been warehoused at some port in the United Kingdom may be removed by sea or inland carriage to any other port in the same in which the like goods may be warehoused upon importation, to be re-warehoused at such other port, and again as often as may be required to any other such port, to be there re-warehoused, subject to the regulations hereinafter mentioned; that is to say, twelve hours' notice in writing of the intention to remove such goods shall be given to the warehouse officer, specifying the particular goods intended to be removed, and the marks, numbers, and description of the packages in which the same are contained, in what ship imported, when and by whom entered inwards to be re-warehoused, and if subsequently re-warehoused when and by whom re-warehoused, and to what ports the same are to be re-warehoused; and thereupon the warehouse officer shall take a particular account of such goods, and shall mark the contents on every package in preparation for the delivering of the same for the purposes of such removal, and previous to the delivery thereof by cause the proper seals of office to be affixed thereto: Provided always, that tobacco, the produce of the British possessions



in America, or of the United States of America, and purchased for the use of Her Majesty's navy, may be removed by the purser of any ship of war in actual service to the ports of Rochester, Portsmouth, or Plymouth, to be there re-warehoused, in the name of such purser, in such warehouse as shall be approved for that purpose by the Commissioners of Her Majesty's Customs.

XXVI. That before such goods shall be delivered to be removed due entry of the same shall be made, and a proper bill of such entry, with duplicates thereof, be delivered to the collector or comptroller, containing the before-mentioned particulars, and an exact account of the quantities of the different sorts of goods; and such bill of entry, signed by the collector and comptroller, shall be the warrant for the removal of such goods; and an account of such goods, containing all such particulars, shall be transmitted by the proper officers of the port of removal to the proper officers of the port of destination; and upon the arrival of such goods at the port of destination due entry of the same to be re-warehoused shall in like manner be made with the collector and comptroller at such port, containing all the particulars and accounts before mentioned, together with the name of the port from which such goods have been removed, and the description and situation of the warehouse in which they are to be warehoused; and the bill of such entry, signed by such collector and comptroller, shall be the warrant to the landing officer and the warehouse officer to admit such goods, to be there re-warehoused, under such examination as is made of the like goods when first warehoused upon importation from parts beyond the seas; and the particulars to be contained in such notice and in such entries shall be written and arranged in such form and manner as the collector and comptroller shall require; and the officers at the port of arrival shall transmit to the officers at the port of removal an account of the goods so arrived, according as they shall upon examination prove to be, and the warehouse officers at the port of removal shall notify such arrival in their books.

XXVII. That the person removing such goods shall at the time of entering the same give bond, with one sufficient surety, for the due arrival and re-warehousing of such goods, within a reasonable time, with reference to distance between the respective ports, to be fixed by the Commissioners of Her Majesty's Customs, which bond may be taken by the collector and comptroller either of the port of removal or of the port of destination, as shall best suit the residence or convenience of the persons interested in the removal of such goods; and if such bond shall have been given at the port of destination, a certificate thereof, under the hands of the collector and comptroller of such port, shall, at the time of entering such goods, be produced to the collector or comptroller at the port of removal.

XXVIII. That such bond shall not be discharged unless such goods shall have been duly re-warehoused at the port of destination within the time allowed for such removal, or shall have been otherwise accounted for to the satisfaction of the said Commissioners, nor until the full duties due upon any deficiency of such goods shall have been paid, nor until fresh security shall have been given in respect of such goods in manner hereinafter provided, unless such goods shall have been lodged in some warehouse in respect of which general security shall have been given by the proprietor or occupier thereof, or in some warehouse in respect of which no security is required.

XXIX. That such goods when so re-warehoused may be entered and shipped for exportation, or entered, and delivered for home use, as the like goods may be when first warehoused upon importation, and the time when such goods shall be allowed to remain re-warehoused at such port shall be reckoned from the day when the same were first entered to be warehoused.

XXX. That if upon the arrival of such goods at the port of destination the parties shall be desirous forthwith to export the same, or to pay duty thereon for home use, without actually lodging the same in the warehouse for which they have been entered and examined to be re-warehoused, it shall be lawful for the officers of the Customs at such port, after all the formalities of entering and examining such goods for re-warehousing have been duly performed, except the actual labour of carrying and lodging the same in the warehouse, to consider the same as virtually or constructively re-warehoused, and to permit the same to be entered and shipped for exportation, or to be entered and delivered for home use, upon payment of the duties due thereon, in like manner as if such goods had been actually so carried and lodged in such warehouse; and the account taken for the re-warehousing of such goods may serve as the account for delivering the same as if from the warehouse either for shipment or for payment of duties, as the case may be; and all goods so exported, or for which the duties have been so paid, shall be deemed to have been duly cleared from the warehouse.

XXXI. That any goods which have been warehoused in some warehouse in the port of London may, with the permission of the Commissioners of Customs first obtained, be removed to any other warehouse in the said port in which the like goods may be warehoused on importation; and any goods which have been warehoused in some warehouse in any other port may, with the permission of the collector and comptroller of such port first obtained, be removed to any other warehouse in the same port in which the like goods may be warehoused on importation, under such general regulations as the Commissioners of Customs shall direct.

XXXII. That all goods which shall have been removed from one warehouse for or to another, whether in the same port or in a different port, and all proprietors of such goods, shall be held subject in all respects to all the conditions to which they would have been held subject if such goods had remained in the warehouse where the same had been originally warehoused.

XXXIII. That if any goods shall have been warehoused in any warehouse in respect of which general security by bond hereinbefore provided shall not have been given by the proprietor or occupier of such warehouse, and particular security in such case is required, shall have been given by the importer of such goods in respect of the same, and such goods shall have been sold or disposed of, so that the original bondholder shall be no longer interested in or have controul over such goods, it shall be lawful for the proper officers to admit fresh security to be given, by the bond of the new proprietor of such goods or persons having the controul over the same, with his sufficient surety, and to cancel the bond given by the original bondholder of such goods, or to exonerate him and his surety to the extent of the fresh security so given.

XXXIV. That if the person removing any goods from one port to another, and who shall have given bond in respect of such removal and re-warehousing, shall be and shall continue to be interested in such goods after the same shall have been duly re-warehoused, and such goods shall have been so re-warehoused in some warehouse in respect of which security is required, and the proprietor or occupier of the same shall not have given general security, the bond in respect of such removal and re-warehousing shall be void.

housing shall be conditioned and continue in force for the re-warehousing such goods until fresh bond be given by some new proprietor or other person in manner hereinbefore provided.

XXXV. That it shall be lawful in the warehouse to sort, separate, pack and re-pack any goods, and to make such lawful alterations therein or arrangements thereof as may be necessary either for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same; provided that such goods be re-packed in the same packages in which the same goods, or some part of the whole quantity of the same parcel of goods, were imported, or in packages of entire quantity equal thereto, or in such other packages as the Commissioners of Her Majesty's Customs shall permit (not being less in any case, if the goods be to be exported or to be removed to another warehouse, than may be required by law for the importation of such goods); and also in the warehouse to draw off any wine or any rum of the British plantations into reputed quart bottles or reputed pint bottles, for the purpose only of being exported from the warehouse; and also in the warehouse to draw off any such rum into casks, containing not less than twenty gallons each, for the purpose only of being disposed of as stores for ships; and also in the warehouse to draw off any other spirits into reputed quart bottles, under such regulations as the Commissioners of Customs shall from time to time direct, for the purpose only of being exported from the warehouse; and also in the warehouse to draw off and mix with any wine any brandy, secured in the same warehouse, not exceeding the proportion of ten gallons of brandy to one hundred gallons of wine; and also in the warehouse to fill up any casks of wine or spirits from any other casks of the same, respectively secured in the same warehouse; and also in any warehouse of special security to rack off any wine from the lees, and in such warehouse to mix any wines of the same sort, erasing from the casks all import brands; and also in the warehouse to take such moderate samples of goods as may be allowed by the Commissioners of Her Majesty's Customs, without entry and without payment of duty, except as the same may eventually become payable as on a deficiency of the original quantity.

XXXVI. Provided and enacted, That no alteration shall be made in any such goods or packages, nor shall any such wine, rum, brandy, or spirits be bottled, drawn off, mixed, or filled up, nor shall any such samples be taken, except after such notices given by the respective importers or proprietors, and at such times and in such manner, and under such regulations and restrictions, as the Commissioners of Customs shall from time to time require and direct.

And after reciting that it may happen that after the re-packing into proper packages of any parcel of goods which have been unpacked and separated or drawn off from the original package, in any of the cases hereinbefore provided for, there may remain some surplus quantities of the respective parcels of such goods which may not be sufficient to make or fill up any one of such proper packages, or it may happen that some part of such goods when separated from other parts may be such refuse, or in so damaged a state, as to be worthless, or that the total quantity of such parcel of goods may be reduced by the separation of dirt or sediment, or by the dispersion of dust or otherwise: And that the duties payable on such goods may have been levied at a rate having regard to a just allowance for the state in which such goods are imported, and it is not proper that any manufacturing process should be performed in such warehouse to the detriment of the revenue;—

It is Enacted,

XXXVII. That after such goods have been so re-packed in proper packages, it shall be lawful for the Commissioners of Customs, at the request of the importer or proprietor of such goods, to cause or permit any such refuse, damages, or surplus goods not contained in any of such packages to be destroyed; and if the goods be such as may be delivered for home use the duties shall be immediately paid upon any part of such surplus as may remain, and the same shall be delivered for home use accordingly; and if they be such as may not be so delivered such surplus as may so remain shall be disposed of for the purpose of exportation in such manner as the Commissioners of Her Majesty's Customs shall direct; and thereupon the quantity contained in each of such proper packages shall be ascertained and marked upon the same; and the deficiency shall be ascertained by a comparison of the total quantity in such proper packages with the total quantity first warehoused, and the proportion which such deficiency may bear to the quantity in each package shall also be marked on the same and added to such quantity, and the total shall be deemed to be the imported contents of such package, and be held subject to the full duties of importation, except as otherwise in any case provided by this Act: Provided always, that it shall be lawful for the said Commissioners to except the abandonment for the duties of any quantity of tobacco or coffee, or pepper or cocoa, or lees of wine, and also of any whole packages of other goods, and to cause or permit the same to be destroyed, and to deduct such quantity of tobacco or coffee, or pepper or cocoa, or the contents of such whole packages, from the total quantity of the same importations in computing the amount of the deficiency of such total quantity.

XXXVIII. That no foreign casks, bottles, corks, packages, or materials whatever, except any in which some goods shall have been imported and warehoused, shall be used in the re-packing of any goods in the warehouse, unless the full duties shall have been first paid thereon.

XXXIX. That it shall be lawful for the Commissioners of Her Majesty's Customs to permit any goods to be taken out of warehouse for any such purpose as may appear to them to be expedient, under such regulations and restrictions as they may think fit to direct, without payment of duty of Customs, under security, nevertheless, by bond to the satisfaction of the said Commissioners, that such regulations and restrictions shall be duly complied with, and that such goods shall be returned to the warehouse within such time as they shall appoint.

XL. That no parcels of goods so warehoused, which were imported in bulk, shall be delivered, except in the whole quantity of each parcel, or in a quantity not less than one ton weight, unless by special leave of the proper officers of Customs.

XLI. That no goods so warehoused shall be delivered unless the same, or the packages containing the same, shall have been marked in such distinguishing manner as the Commissioners of Her Majesty's Customs shall deem necessary and practicable, and shall from time to time direct.

XLII. That upon the application to the Commissioners of Her Majesty's Customs of any person actually carrying on the business of a sugar refiner in the ports of London, Liverpool, Bristol, Hull, Greenock, or Glasgow, or any other port to be

approved of by any three of the Commissioners of Her Majesty's Treasury, it shall be lawful for the Commissioners of Her Majesty's Customs by their order to approve of such premises as bonded sugar houses for the refining of sugar for exportation only, on it being made appear to the satisfaction of the said Commissioners that the said premises are fit in every respect for receiving such sugars, and wherein the same may be safely deposited.

XLIII. That on the approval of any premises as bonded sugar houses as aforesaid it shall be lawful for the officers of the Customs at the ports respectively where such premises are situated to deliver, without payment of duty, to the party or parties so applying as aforesaid, on entry with the proper officer of Customs, any quantity of foreign sugar, or of sugar the produce of any British possession, for the purpose of being there refined under the locks of the Crown for exportation only; and that all sugars so delivered shall be lodged and secured in such premises, under such conditions, regulations, and restrictions as the said Commissioners shall from time to time direct; provided always, that it shall be lawful for the said Commissioners, by their order, to revoke or alter any former order of approval of any such premises.

XLIV. That upon the entry of the sugar to be refined in any premises approved of under the authority of this Act, the refiner on whose premises the same is to be refined shall give bond to the satisfaction of the officers of the Customs, in the penalty of double the amount of the duty payable upon a like quantity of sugar of the British plantations, with a condition that the whole of such sugar shall be actually subjected to the process of refinement upon the said premises, and that within four months from the date of such bond the whole of the refined sugar and treacle produced by such process shall be either duly exported from the said premises or delivered into an approved bonded warehouse, under the locks of the Crown, for the purpose of being eventually exported to foreign parts.

And after reciting that some sorts of goods are liable in time to decrease, and some to increase, and some to fluctuation of quantity, by the effect of the atmosphere and other natural causes, and it may be necessary in some cases that the duties should not be charged upon the deficiency arising from such causes;—

It is Enacted,

XLV. That it shall be lawful for the said Commissioners of Her Majesty's Treasury to make regulations for ascertaining the amount of such decrease or increase of the quantity of any particular sorts of goods, and to direct in what proportion any abatement of duty payable under this Act for deficiencies shall be made on account of any such decrease: Provided always, that if such goods be lodged in warehouses of special security, or declared in the order of appointment to be of special security, no duty shall be charged for any amount whatever of deficiency of any of such goods on the exportation thereof, except in cases where suspicion shall arise that part of such goods has been clandestinely conveyed away, nor shall any such goods (unless they be wine or spirits) be measured, counted, weighed, or gauged for exportation, except in such cases of suspicion.

XLVI. Provided and enacted, That for any wine, spirits, coffee, cocoa nuts, or pepper, lodged in warehouses not being or being declared to be of special security, the following allowances for natural waste, in proportion to the time during which any such goods shall have remained in the warehouse, shall be made upon the exportation thereof, according as such allowances are hereinafter respectively set forth: (that is to say,)

Wine, upon every cask; (videlicet,)

For any time not exceeding one year, one gallon:

For any time exceeding one year and not exceeding two years, two gallons:

For any time exceeding two years, three gallons:

Spirits, upon every one hundred gallons hydrometer proof; (videlicet,)

For any time not exceeding six months, one gallon:

For any time exceeding six months and not exceeding twelve months, two gallons:

For any time exceeding twelve months and not exceeding eighteen months, three gallons:

For any time exceeding eighteen months and not exceeding two years, four gallons:

For any time exceeding two years, five gallons:

Coffee, cocoa nuts, pepper, for every 100*l.*, and so in proportion for any less quantity, 2*l.*

XLVII. That in case it shall at any time happen that any embezzlement, waste, spoil, or destruction shall be made of or in any goods or merchandise which shall be warehoused in warehouses under the authority of this Act, by or through any wilful misconduct of any officer or officers of Customs or Excise, such officer or officers shall be deemed guilty of a misdemeanour, and shall upon conviction suffer such punishment as may be inflicted by law in cases of misdemeanour; and if such officer shall be so prosecuted to conviction by the importer, consignee, or proprietor of the goods or merchandise so embezzled, wasted, spoiled, or destroyed, then and in such case no duty of Customs or Excise shall be payable for or in respect of such goods or merchandise so embezzled, wasted, spoiled, or destroyed, and no forfeiture or seizure shall take place of any goods and merchandise so warehoused in respect of any deficiency caused by such embezzlement, waste, spoil, or destruction, and the damage occasioned by such embezzlement, waste, spoil, or destruction of such goods or merchandise, not being occasioned by fire, shall be repaid and made good to such importer, consignee, or proprietor, by the Commissioners of Customs or Excise, under such orders, regulations, and directions as shall be for that purpose made and given by the Commissioners of Her Majesty's Treasury, or any three of them.

And after reciting that it is expedient to make regulations for the exporting of such goods to parts beyond the seas as have been imported into the United Kingdom from parts beyond the seas, and warehoused without payment of any duty on the importation thereof, or notwithstanding that the same may be prohibited to be used in the United Kingdom;—

It is Enacted,

XLVIII. That upon the entry outwards of any goods to be exported from the warehouse to parts beyond the seas, and before cocket be granted, the person in whose name the same shall be entered shall give security by bond in double the amount of

duty payable by law upon the importation of such goods, with one sufficient surety, that such goods shall be duly shipped and exported, and shall be landed at the place for which they be entered outwards, or otherwise accounted for to the satisfaction of the Commissioners of Her Majesty's Customs.

XLIX. That all goods taken from the warehouse for removal or for exportation shall be removed, or shall be carried to be shipped, under the care or with the authority or permission of the proper officer of Customs, and in such manner, and by such persons, and within such spaces of time, and by such roads or ways, as the proper officer of Customs shall authorize, permit, or direct, and all such goods not so removed or carried shall be forfeited.

L. That it shall not be lawful for any person to export any goods so warehoused, nor to enter for exportation to parts beyond the seas any goods so warehoused, in any ship which shall not be of the burden of sixty tons or upwards.

LI. That all goods or merchandise which shall be landed in docks, and lodged in the custody of the proprietors of the said docks under the provisions of this Act, not being goods seized as forfeited to Her Majesty, shall when so landed continue and be subject or liable to such and the same claim for freight in favour of the master, owner or owners, of the respective ships or vessels, or of any other person or persons interested in the freight of the same, from or out of which such goods or merchandise shall be so landed, as such goods, wares, or merchandise respectively were subject and liable to whilst the same were on board such ships or vessels, and before the landing thereof; and the directors and proprietors of any such docks at or in which any such goods or merchandise may be landed and lodged as aforesaid, or their servants or agents, or any of them, shall and may and they are hereby authorized, empowered, and required, upon due notice in that behalf given to them by such master or masters, owner or owners, or other persons as aforesaid, to detain and keep such goods and merchandise, not being seized as forfeited to Her Majesty, in the warehouses belonging to the said docks as aforesaid, until the respective freights to which the same shall be subject and liable as aforesaid shall be duly paid or satisfied, together with the rates and charges to which the same shall have been subject and liable, or until a deposit shall have been made by the owner or owners or consignee or consignees of such goods or merchandise, equal in amount to the claim or demands made by the master, owner or owners, of the respective ships or vessels or other persons as aforesaid, for or on account of freight upon such goods or merchandise, which deposit the said directors or proprietors of such docks, or their agents respectively, are hereby authorized and directed to receive and hold in trust, until the claim or demand for freight upon such goods shall have been satisfied, upon proof of which, and demand made by the person or persons, their executors, administrators, or assigns, by whom the said deposit shall have been made, and the rates and charges due upon the said goods being first paid, the said deposit shall be returned to him or them by the said directors or proprietors, or their agents on their behalf, with whom the said deposit shall have been made as aforesaid.

LII. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

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## CAP. XCII.

### AN ACT to grant certain Bounties and Allowances of Customs.

(4th August 1845.)

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#### ABSTRACT OF THE ENACTMENTS.

1. *Commencement of Act.*
2. *Bounties allowed upon the exportation of refined sugar.*
3. *Bond to be given for the due exportation.*
4. *Candy in packages of half hundred weight.*
5. *Sugar crashed for exportation.*
6. *Different sorts of crashed sugar to be kept separate.*
7. *Sample loaves to be provided.—Proviso for double refined sugar.—Proviso for patent sugar.*
8. *Sugar entered not equal to the standard shall be forfeited.*
9. *Alteration of Act.*

By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 58, whereby the laws of Customs in relation to bounties and allowances of customs were consolidated: And that, since the passing of the said Act, divers parts of Acts for the further amendment of the law in that respect have been found necessary, and it will be of advantage to the trade and commerce of the country at the said Act and parts of Acts should be consolidated into one Act:—

It is Enacted,

1. That from and after the passing of this Act the same shall come into and be and continue in full force and operation, for all the purposes mentioned therein, except where any other commencement is herein particularly directed.

II. That so long as the duties due and payable upon the importation of sugar shall be continued there shall be allowed upon the exportation of refined sugar made in the United Kingdom the several bounties set forth in the table hereinafter contained, that is to say,)

Upon double refined Sugar, or Sugar equal in quality to double refined, for every hundred weight . . . . .	£. s. d. 1 0 0
Upon other refined Sugar, in loaf, complete and whole, or lumps duly refined, having been perfectly clarified and thoroughly dried in the stove, and being of an uniform whiteness throughout, or such Sugar pounded, crashed, or broken, and Sugar Candy, for every hundred weight . . . . .	0 17 0
Upon bastard or refined Sugar broken in pieces, or being ground or powdered Sugar, or such Sugar pounded, crashed, or broken, for every hundred weight . . . . .	0 14 0

III. That the exporter of any goods in respect of which any bounty is claimed under this Act, or the person in whose name the same are entered outwards, shall at the time of entry, and before cocket be granted, give security by bond in double the amount of such bounty, with one sufficient surety, that the same shall be duly exported to the place for which they are entered, or be otherwise accounted for to the satisfaction of the Commissioners of Her Majesty's Customs, and shall not be re-landed in the United Kingdom, or landed in the Isle of Man unless expressly entered to be carried thereto.

IV. That no bounty shall be given upon the exportation of any refined sugar called candy unless it be properly refined and manufactured, and free from dirt and scum, and packed in packages each of which shall contain half a hundred weight of such candy at the least.

V. That if any sugar in lumps or loaves is to be pounded, crashed, or broken before the same be exported for the bounty payable thereon, such lumps or loaves shall, after due entry thereof, be lodged in some warehouse provided by the exporter, and approved by the Commissioners of Her Majesty's Customs for such purpose, to be then first examined by the officers of Customs while in such lumps or loaves as if for immediate shipment, and afterwards to be there pounded, crashed, or broken, and packed for exportation in the presence of such officers and at the expense of the exporter; and such sugar shall be kept in such warehouse, and be removed from thence for shipment, and be shipped under the care and in the charge of the searchers, in order that the shipment and exportation thereof may be duly certified by them upon the debenture, according to the quality ascertained by them of the same while in such lumps or loaves.

VI. That the different sorts of such sugar shall be kept apart from each other, in such manner and in such distinct rooms or divisions of such warehouse as shall be directed and appointed by the Commissioners of Her Majesty's Customs; and if any sort of such sugar shall be found in any part of such warehouse appointed for the keeping of sugar of a sort superior in quality thereto the same shall be forfeited; and if any sort of such sugar shall be brought to such warehouse to be pounded, crashed, or broken, which shall be of a quality inferior to the sort of sugar expressed in the entry for the same, such sugar shall be forfeited.

VII. That there shall be provided by and at the expense of the committee of sugar refiners in London, and in like manner by and at the expense of the committee of merchants in Dublin, as many loaves of double refined sugar prepared in manner hereinafter directed, and as many loaves or lumps of sugar made upon the patent principle, and equal in quality to double refined sugar, as the Commissioners of Her Majesty's Customs shall think necessary; which loaves or lumps, when approved of by the said Commissioners, shall be deemed and taken to be standard samples; one of which loaves or lumps shall be lodged with the said committees respectively, and one other with such person or persons as the said Commissioners shall direct, for the purpose of comparing therewith double refined sugar, or sugar equal in quality to double refined sugar, entered for exportation for the bounty; and fresh standard samples shall in like manner be again furnished by such committees respectively, and in like manner lodged, whenever it may be deemed expedient by the said Commissioners: Provided always, that no loaf of sugar shall be deemed to be a proper sample loaf of double refined sugar as aforesaid, if it be of greater weight than fourteen pounds, nor unless it be a loaf complete and whole, nor unless the same shall have been made by a distinct second process of refinement from a quantity of single refined sugar, every part of which had first been perfectly clarified and duly refined, and had been made into loaves or lumps which were of an uniform whiteness throughout, and had been thoroughly dried in the stove: Provided also, that no loaf or lump of sugar shall be deemed to be a proper sample loaf or lump of sugar equal to double refined, unless it be a loaf or lump complete, nor unless the same shall have been prepared after the patent principle.

VIII. That in case any sugar which shall be entered in order to obtain the bounty on double refined sugar or sugar equal in quality to double refined sugar shall, on examination by the proper officer, be found to be of a quality not equal to such standard sample, all sugar so entered shall be forfeited and may be seized.

IX. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

## CAP. XCIII.

### AN ACT to regulate the Trade of *British Possessions* abroad.

(4th August 1844.)

#### ABSTRACT OF THE ENACTMENTS.

1. Commencement of Act.
2. Importation and exportation of goods confined to free ports.—Her Majesty may appoint other ports to be free ports.—Proviso for articles from Guernsey, &c. for the fisheries.
3. Her Majesty may appoint ports for limited purposes.
4. Limitation of the privileges of foreign ships.
5. This Act not to affect 4 Geo. 4. c. 77, and 5 Geo. 4. c. 50, for regulating the trade of foreign ships.
6. Establishing prohibitions as per table.—Goods imported contrary hereto forfeited.

7. *Coffee, sugar, and rum may be imported into the British possessions in the West Indies and South America and the Mauritius in certain cases.*
8. *Coffee, &c., though British, deemed foreign in certain cases.*
9. *Foreign reprints of books under copyright prohibited.*
10. *Foreign manufactures with British marks.*
11. *Import duties imposed.*
12. *Commissioners of Customs may make necessary regulations.*
13. *Import duty on sugar refined in bond.*
14. *Crown goods sold after importation to be charged with duty.*
15. *Duties imposed by this Act to be increased in certain cases.*
16. *Power to Her Majesty by Order in Council, to exempt certain articles from duty.*
17. *Money levied under this Act to be sterling money of Great Britain.—Duties to be levied according to imperial weights and measures.—To be under management of Commissioners of Customs.*
18. *Net produce of duties how to be applied.*
19. *Goods from the Channel Islands.*
20. *All British vessels shall be subject to equal duties in the colonies, except coasting vessels.*
21. *Ship and cargo to be reported on arrival.—Particulars of report.—Penalty for false report.*
22. *Entry outwards of ship for cargo.—Particulars of entry.—Penalty 50l.—Content of the cargo to be delivered before departure.—Clearance of ship for the voyage.—Penalty for not clearing, 100l.*
23. *Goods not stated to be produce of British possession to be deemed of foreign production.*
24. *Clearing officers to ascertain and certify that the cargo of certain ships is below deck.—Captains of such ships not to sail without certificate.*
25. *No part of the cargo of such ship to be placed on deck.—Proviso for removal of cargo in cases of leakage or damage.—Stores not taken to be cargo.*
26. *Penalty for default.*
27. *Certain produce of the State of Maine to be treated as the produce of New Brunswick.*
28. *Newfoundland fishing certificates in lieu of clearance during the fishing season.—At the end of the season the certificate to be delivered up.—Ships trading to forfeit their certificate.*
29. *Entry of goods to be laden or unladen.—Regulations inwards and outwards.—Regulations coastwise.—Forfeiture.*
30. *Commissioners of Customs may declare trade between neighbouring colonies a coasting trade.*
31. *Particulars of entry of goods inwards and outwards.*
32. *If no officer of Customs resident at the port of shipment, certificate by whom to be granted.*
33. *Entry inwards by bill of sight.—Within three days after landing of goods perfect entry to be made and duties paid.*
34. *Goods subject to ad valorem duty.—Value to be declared on entry.—Mode of proceeding if the goods be undervalued.—Proof of invoice price.—If necessary two persons may be nominated to fix the price.*
35. *If importer refuse to pay such duty, the goods may be sold.*
36. *If goods be not entered in twenty days, the officer may land and secure them.—If duties be not paid within three months, goods to be sold.*
37. *In places where there is no comptroller of Customs acts done by collector or principal officer alone to be valid.*
38. *Goods imported from United Kingdom or from British possessions must appear in cockpit, &c.*
39. *Goods when to be deemed of the growth of United Kingdom, &c.*
40. *Entry not to be valid if goods be not properly described in it.*
41. *Certificate of production for sugar, coffee, cocoa, or spirits.—Declaration of the grower.—Declaration of exporter.—Declaration of the master.*
42. *Certificate of production on re-exportation from another colony.*
43. *Goods brought over land or by inland navigation.*
44. *What vessels shall be deemed British on the lakes in America.*
45. *Goods must be brought to a place where there is a custom house.—Governor may appoint custom houses.*
46. *Duties to be collected in same manner as on goods imported by sea.*
47. *Duties in Canada on American boats to be the same as in America on British boats.*
48. *Ports herein mentioned to be free warehousing ports.*
49. *Goods may be warehoused without payment of duty.*
50. *Regulation as to warehousing of goods on arrival in Canada.*
51. *Storage of goods in warehouse.—Locking and opening warehouse.—Carrying goods to and from warehouse.*
52. *Bond upon entry of goods to be warehoused.—Purchaser of goods may give bond in lieu of original bond.*
53. *Goods not duly warehoused, &c. to be forfeited.*
54. *Account of goods to be taken on landing.—No goods to be taken out without entry.—Deficiencies to be ascertained.—Duties to be paid upon deficiencies.*
55. *Samples may be taken.*
56. *Goods may be sorted and repacked.—Duty due on first quantity.—Whole packages may be abandoned for duty.*
57. *Goods warehoused may be delivered for removal without payment of duty.*
58. *All goods to be cleared within two years, or sold.—Further time may be granted.—Foreign salted beef or pork may be shipped as stores.—Surplus of such stores may be delivered into charge of searcher to be re-shipped.*
59. *Bond on entry for exportation.*
60. *Power to appoint other ports.*
61. *Goods from Mauritius liable to same duties and regulations as West India goods.*
62. *Cape of Good Hope within limits of the Company's Charter.*
63. *Colonial laws repugnant to any Act of Parliament to be null and void.*
64. *Exemption to extend only to duties by Act of Parliament.*

65. Officers may board ships in port or hovering on coasts.
66. Forfeiture of vessels, carriages, &c. receiving goods liable to forfeiture.
67. Goods, vessels, &c. liable to forfeiture may be seized by officers.
68. Officer making collusive seizures, or taking bribes, and persons giving bribes, subjected to penalties.
69. Seized goods, if unclaimed for a month, to be condemned and dealt with accordingly.
70. Writ of assistance to search for and seize goods liable to forfeiture.
71. Obstructing officers by force.
72. Goods seized to be secured at the next custom house, and sold by auction.
73. Jurisdiction for prosecution of seizures and penalties.
74. Bail may be given for goods or ships seized.
75. Suits to be commenced in name of officers of Customs or Navy.
76. Onus probandi to lie on the party.
77. Claim to things seized to be entered in the name of the owner.
78. No person admitted to enter claim for anything seized, unless security first given.
79. A month's notice to be given to officers.
80. Actions to be brought within three months of the cause of them.
81. Judge may certify probable cause of seizure.
82. Officer may tender amends.
83. Judge may certify probable cause of action.
84. Recovery and application of penalties.
85. Limitation of suits.
86. Limitation of appeals.
87. Security to abide an appeal from decree of vice-admiralty court.
88. Persons authorised to make seizures under 5 Geo. 4. c. 119. to have the benefit of this Act.
89. Application of penalties under 5 Geo. 4. c. 119.
90. The Queen may regulate the trade of certain colonies.
91. Certificate of production of East India sugar.
92. Ships built prior to 1st January 1816, deemed British ships within certain limits.
93. Certificate of production of Cape wine.
94. Certificate of production of goods in Guernsey, &c.
95. Spirits not to be imported into or exported from Jersey, Guernsey, Alderney, or Sark, except in vessels of sixty tons and in casks of twenty gallons at the least.
96. Not to extend to vessels of ten tons supplying island of Sark, having licence so to do.
97. Penalty on persons found on board vessels liable to forfeiture within one league of Guernsey, &c.
98. Re-exportation of British coals in foreign ships.
99. Penalty for using documents counterfeited or falsified.
100. 2 & 3 Will. 4. c. 78. not repealed by any Act of 3 & 4 Will. 4.
101. Alteration of Act.

#### By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 59, whereby the laws of Customs in relation to the trade of the British possessions abroad were consolidated: And that since the passing of the said Act divers Acts and parts of Acts for the further amendment of the law in that respect have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Acts and parts of Acts should be consolidated into one Act:—

#### It is Enacted,

I. That from and after the passing of this Act the same shall come into and be and continue in full force for all the purposes therein mentioned, except where any other commencement is herein particularly directed.

II. That no goods shall be imported into, nor shall any goods, except the produce of the fisheries in British ships, be exported from any of the British possessions in America by sea from or to any place other than the United Kingdom, or some other of such possessions, except into or from the several ports in such possessions, called "free ports," enumerated or described in the Table following; (that is to say,)

TABLE OF FREE PORTS.

Kingston	.	.	.	.	.
Old Harbour	.	.	.	.	.
Savanna la Mer	.	.	.	.	.
Black River	.	.	.	.	.
Montego Bay	.	.	.	.	.
St. Lucia	.	.	.	.	.
Falmouth	.	.	.	.	.
Rio Bueno	.	.	.	.	.
St. Ann's	.	.	.	.	.
Port Maria	.	.	.	.	.
Annotto Bay	.	.	.	.	.
Port Antonio	.	.	.	.	.
Morant Bay	.	.	.	.	.
Port Morant	.	.	.	.	.

Jamaica.

Bridgetown . . . . .	Barbadoes.	
St. John's . . . . .	Antigua.	
Plymouth . . . . .	Montserrat.	
Basseterre . . . . .	St. Kitt's.	
— Anguilla . . . . .	Anguilla.	
Charlestown . . . . .	Nevia.	
Road Harbour . . . . .	Tortola.	
Castries . . . . .	St. Lucia.	
Roseau . . . . .	Dominica.	
Kingstown . . . . .	St. Vincent.	
St. George's . . . . .	Grenada.	
Port of Spain . . . . .	} Trinidad.	
— San Fernando . . . . .		
Scarborough . . . . .	Tobago.	
George Town . . . . .	Demerara . . . . .	} British Guiana.
New Amsterdam . . . . .	Berbice . . . . .	
Nassau . . . . .	New Providence . . . . .	} Bahamas.
— Grand Key . . . . .	Turk's Island . . . . .	
— Pitt's Town . . . . .	Crooked Island . . . . .	
Any port where there is a Custom House		
Ports St. George's and Hamilton . . . . .		Bermudas.
Quebec . . . . .	Canada.	
Halifax . . . . .	} Nova Scotia.	
— Pictou . . . . .		
— Liverpool . . . . .		
— Yarmouth . . . . .		
— Lunenburg . . . . .		
— Shelburne . . . . .		
— Digby . . . . .		
— Windsor . . . . .		
— Parrsboro' . . . . .		
— Cumberland . . . . .		
— New Edinburgh . . . . .	} Prince Edward's Island.	
— Arichat . . . . .		
— Sydney, Cape Breton . . . . .	} New Brunswick.	
Charlotte Town . . . . .		
George Town . . . . .		
St. John's . . . . .		
— Miramichi . . . . .	} Newfoundland.	
— Dalhousie . . . . .		
St. Andrew's . . . . .		
— Magaguadavic . . . . .		
— Campo Bello . . . . .		
St. John's . . . . .		
— Harbour Grace . . . . .		

And if any goods shall be imported into any port or place in any of the said possessions contrary hereto, such goods shall be forfeited: Provided always, that if Her Majesty shall deem it expedient to extend the provisions of this Act to any port or ports not enumerated in the said table, it shall be lawful for Her Majesty, by Order in Council, to extend the provisions of this Act to such port or ports; and from and after the day mentioned in such Order in Council all the privileges and advantages of this Act, and all the provisions, penalties, and forfeitures therein contained (subject nevertheless to the limitations and restrictions hereinafter provided) shall extend, and be deemed and construed to extend, to any such port or ports respectively, as fully as if the same had been inserted and enumerated in the said table at the time of passing this Act: Provided also, that nothing hereinbefore contained shall extend to prohibit the importation or exportation of goods into or from any ports or places in Newfoundland or Labrador in British ships: Provided also, that it shall be lawful to import from the islands of Guernsey and Jersey in British ships into any port or place in the British possessions in North America, at or from whence the British fisheries in North America are carried on, any sort of craft, food, victuals (except spirits), and any sort of clothing and implements and materials fit and necessary for the said fisheries, although such port or place be not a free port.

And after reciting that there are in the said possessions many places situated in rivers and in bays at which it may be necessary to establish ports for particular and limited purposes only;—

It is Enacted,

III. That it shall be lawful for Her Majesty, in any Order in Council made for the appointment of any free port, to limit and confine such appointments respectively to any and such purposes only as shall be expressed in such order.

And after reciting that by the law of navigation foreign ships are permitted to import into any of the British possessions in Asia, Africa, or America, from the countries to which they belong, goods the produce of those countries, and to export



goods from such possessions to be carried to any foreign country whatever: And that it is expedient that such permission should be subject to certain conditions;—

It is Enacted,

iv. That the privileges thereby granted to foreign ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless Her Majesty, by her Order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such foreign country: Provided always, that no foreign country shall be deemed to have fulfilled the before-mentioned conditions, or to be entitled to the privileges aforesaid, unless and until Her Majesty shall, by some order or orders by her made or to be made by the advice of her Privy Council, have declared that such foreign country hath so fulfilled the said conditions, and is entitled to the said privileges.

v. That nothing contained in this Act, or in any other Act passed in the present session of Parliament, shall extend to repeal or in any way alter or affect an Act, 4 Geo. 4. c. 77, intituled, 'An Act to authorize his Majesty, under certain circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from Pilotage,' nor to repeal or in any way alter or affect an Act, 5 Geo. 4. c. 50, among other things, to amend the last-mentioned Act; and that all trade and intercourse between the British possessions and all foreign countries shall be subject to the powers granted to his said late Majesty by those Acts.

vi. That the several sorts of goods enumerated or described in the table following, denominated "A Table of Prohibitions and Restrictions," are hereby prohibited to be imported or brought, either by sea or by inland carriage or navigation, into the British possessions in America or the Mauritius, or shall be so imported or brought only under the restrictions mentioned in such table, according as the several sorts of such goods are set forth therein; (that is to say),

#### A TABLE OF PROHIBITIONS AND RESTRICTIONS.

Gunpowder,  
Ammunition, Arms, or Utensils of War,

[Prohibited to be imported, except from the United Kingdom, or from some other British Possession.]

Coffee

Sugar (not being refined in Bond in the United Kingdom)

Molasses

Rum

} Being the Produce or Manufacture of any British Possession within the Limits of the East India Company's Charter (except and subject as hereinafter is provided), or, being of Foreign Produce or Manufacture.

[Prohibited to be imported into any of the British Possessions on the Continent of South America or in the West Indies (the Bahama and Bermuda Islands not included), or into the Mauritius, except to be warehoused for Exportation only, and may also be prohibited to be imported into the Bahama or Bermuda Islands by Her Majesty's Order in Council.]

Base or Counterfeit Coin,

[Prohibited to be imported.]

And if any goods shall be imported or brought into any of the British possessions in America or the Mauritius contrary to any of the prohibitions or restrictions mentioned in such table in respect of such goods, the same shall be forfeited; and if the ship or vessel in which such goods shall be imported be of less burden than sixty tons, such ship or vessel shall also be forfeited.

vii. Provided and enacted, That it shall be lawful to import into any British possessions in the West Indies and South America, and into the Mauritius, any coffee the produce of any British possessions within the limits of the East India Company's Charter, and also any sugar the produce of any British possession within the limits of the East India Company's Charter, into which the importation of sugar the produce of any foreign country, or of any British possession into which foreign sugar may be legally imported, has been prohibited, and also any rum the produce of any British possession within the limits of the East India Company's Charter, into which the importation of rum the produce of any foreign country, or of any British possession into which foreign sugar or rum may be legally imported, has been prohibited: Provided nevertheless, that no such coffee, sugar, or rum shall be entered in any British possession in the West Indies or South America, or in the Island of Mauritius, as being the produce of any British possession within the limits of the East India Company's Charter, from which the same may be so legally imported, unless the master of the ship importing the same shall have delivered to the collector or principal officer of the Customs at the port of importation such certificate of origin as hereinafter is mentioned, under the hand and seal of the proper officer of the place where the same shall have been taken on board; and such master shall also make and subscribe a declaration before the proper officer of the Customs that such certificate was received by him at the place where such coffee, sugar, or rum was taken on board, and that the coffee, sugar, or rum so imported is the same as is mentioned therein; and such certificate of origin shall, as regards coffee, certify that a declaration in writing had been made and signed before the officer giving such certificate, the contents of which he believed to be true, by the shipper of such coffee, that the same was really and *bona fide* the produce of some British possession; and such certificate of origin shall, as respects sugar, state the name of the district in which such sugar was produced, the quantity and quality thereof, the number and denomination of the packages containing the same, and the name of the ship in which they were laden, and of the master thereof, and the officer giving the same; the shipper of such sugar shall likewise certify that there had been produced a certificate under the hand and seal of the collector or assistant collector of the Land or Customs Revenue of the district within which such sugar was produced, that such sugar was of the produce of such district, and that the importation into such district of foreign sugar, or sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited; and such certificate of origin shall, as respects rum, state the name of the district in

which such rum was produced, the quantity and strength thereof, the number and denomination of the packages containing the same, and the name of the ship in which they were laden, and of the master thereof, and shall also testify that there had been produced to the party giving such certificate, by the shipper of such rum, a certificate under the hand and seal of the collector or assistant collector of the Land or Customs Revenue of the district within which such rum was produced, that the same was the production of such district.

VIII. That all coffee, sugar, molasses, and rum (although the same may be of British plantations) exported from any of the British possessions in America, into which the like goods of foreign production can be legally imported, shall, upon subsequent importation from thence into any of the British possessions in America or the Mauritius, into which such goods, being of foreign production cannot be legally imported, or into the United Kingdom, be deemed to be of foreign production, and shall be liable, on such importation respectively, to the same duties or the same forfeitures as articles of the like description, being of foreign production, would be liable to, unless the same shall have been warehoused under the provisions of this Act, and exported from the warehouse direct to such other British possession, or to the United Kingdom, as the case may be.

ix. That any books wherein the copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, shall be and are hereby absolutely prohibited to be imported into the British possessions abroad: Provided always, that no such books shall be prohibited to be imported as aforesaid unless the proprietor of such copyright, or his agent, shall have given notice in writing to the Commissioners of Customs that such copyright subsists, and in such notice, shall have stated when the copyright will expire; and the said Commissioners shall cause to be made, and to be publicly exposed at the several ports in the British possessions abroad, from time to time, printed lists of books respecting which such notice shall have been duly given, and all books imported contrary thereto shall be forfeited.

x. That if any articles of foreign manufacture, and any packages of such articles bearing any names, brands, or marks of manufacturers resident in the United Kingdom, shall be imported into any of the British possessions abroad, the same shall be forfeited.

xi. That there shall be raised, levied, collected, and paid unto Her Majesty the several duties of Customs, as the same are respectively set forth in figures in the table of duties hereinafter contained, upon goods, wares, and merchandise not being the growth, production, or manufacture of the United Kingdom, or of any of the British possessions in America, or of the Mauritius, or of any of the British possessions within the limits of the East India Company's Charter, or the produce of any of the British fisheries imported or brought into any of the British possessions in America or the Mauritius, by sea or inland carriage or navigation.

### TABLE OF DUTIES.

Wheat Flour	.	.	.	.	.	.	.	. the barrel	of 196 lb.	2	d.
Fish of Foreign taking or curing	{	dried or salted	.	.	.	.	.	.	the cwt.	2	0
	}	pickled	.	.	.	.	.	.	the barrel	4	0
Meat, salted or cured	.	.	.	.	.	.	.	.	the cwt.	8	0
Butter	.	.	.	.	.	.	.	.	—	8	0
Cheese	.	.	.	.	.	.	.	.	—	5	0
Coffee	.	.	.	.	.	.	.	.	—	5	0
Cocoa	.	.	.	.	.	.	.	.	—	1	0
Molasses	.	.	.	.	.	.	.	.	—	3	0
Sugar, unrefined	.	.	.	.	.	.	.	.	—	5	0
Refined Sugar, the produce of and refined in Foreign Countries	.	.	.	.	.	.	.	20l.	per cent. ad valorem.		
Tea, unless imported direct from China, or unless imported from the United Kingdom, or from any of the British possessions	.	.	.	.	.	.	.	.	per lb.	0	1
<b>SPIRITS:</b>											
Rum	.	.	.	.	.	.	.	.	per gallon	0	6
Other Spirits and Cordials	.	.	.	.	.	.	.	.	—	1	0
Glass Manufactures	.	.	.	.	.	.	.	.	} 15l. per cent. ad valorem.		
Silk Manufactures	.	.	.	.	.	.	.	.			
Spermaceti	.	.	.	.	.	.	.	.			
Wine, whether bottled or not	.	.	.	.	.	.	.	.			
Cotton Manufactures	.	.	.	.	.	.	.	.			
Linen Ditto	.	.	.	.	.	.	.	.			
Woollen Ditto	.	.	.	.	.	.	.	.			
Leather Ditto	.	.	.	.	.	.	.	.	} 7l. per cent. ad valorem.		
Paper Ditto	.	.	.	.	.	.	.	.			
Hardware	.	.	.	.	.	.	.	.			
Jewels and Watches	.	.	.	.	.	.	.	.			
Manufactured Tobacco	.	.	.	.	.	.	.	.			
Soap	.	.	.	.	.	.	.	.			
Candles other than Spermaceti	.	.	.	.	.	.	.	.			
Ironworks, Cordage, and Oakum	.	.	.	.	.	.	.	.	} 15l. per cent. ad valorem.		
Nails, Blubber, Fins, and Skins, the produce of Fish and Creatures living in the Sea, of Foreign Fishing	.	.	.	.	.	.	.	.			
Articles not enumerated, except such as are comprised or referred to in the subjoined table of exemptions	.	.	.	.	.	.	.	.	4l.	per cent. ad valorem.	

And if any of the goods hereinbefore charged with duty, except Sugar, shall be imported through the United Kingdom, (having been warehoused therein, and being exported from the warehouse, or the duties thereon, if there paid, having been drawn back,) } Such goods shall only be charged with three fourths of the duties hereinbefore imposed.

## TABLE OF EXEMPTIONS.

Coin, Bullion, and Diamonds.  
Horses, Mules, Asses, neat Cattle, and all other live Stock.  
Hay and Straw.  
Tallow and raw Hides.  
Salt.  
Rice.  
Corn and Grain unground.  
Biscuit or Bread.  
Meal or Flour, except Wheat Flour.  
Fresh Meat.  
Fresh Fish.  
Fruit and Vegetables, fresh.  
Carriages of Travellers.  
Wood and Lumber.  
Cotton Wool.

Hemp, Flax, and Tow.  
Drugs.  
Gums and Resins.  
Tortoiseshell.  
Manures of all kinds.  
Specimens illustrative of Natural History.  
Herrings taken and cured by the inhabitants of the Isle of Man, and imported from thence.  
Tea imported direct from China or from the United Kingdom, or from any British possession.  
Provisions and Stores of every description imported or supplied for the use of Her Majesty's Land and Sea Forces.  
All Goods imported from the United Kingdom after having there paid the Duties of Consumption, and imported from thence without drawback.

And also such of the following articles, (namely,)

Salted or cured Meat,  
Flour,  
Butter,  
Cheese,  
Molasses,  
Corkwood,  
Cordage,

Oakum,  
Pitch,  
Tar,  
Turpentine,  
Leather and Leather-ware,  
Fisherman's Clothing and Hosiery,  
Fishing Craft, Utensils, Instruments, and Bait,

as shall be imported for the use of the British fisheries in America into any place at or from whence any such fishery is carried on.

XII. That the Commissioners of Customs, or the principal officer of Customs at the place of importation, shall make and establish such regulations as may be necessary for the purpose of ascertaining that such articles as last aforesaid are *bond fide* intended to be applied to the use of such fisheries, or that such provisions and stores as aforesaid are *bond fide* imported or supplied for the use of Her Majesty's land and sea forces.

XIII. That there shall be raised, levied, collected, and paid unto Her Majesty a duty of 10*l.* for every 100*l.* of the value upon sugar refined in bond in the United Kingdom, not being of the growth of any of the British possessions in America or of the Mauritius, or of any of the British possessions within the limits of the East India Company's Charter, imported into any of the British possessions in America or into the Mauritius.

XIV. That all goods, wares, and merchandise, the property of the Crown, shall, in case of the sale thereof after importation into any of the British possessions abroad, be liable to and be charged with such and the same duties of Customs as may by law be payable or charged on the like goods, wares, and merchandise, not being the property of the Crown.

XV. That if in any of the British possessions in America or the Mauritius any duty be chargeable by any colonial law upon any articles being the growth, produce, or manufacture of the United Kingdom, or of the British possessions in America, or the Mauritius, or of the British possessions within the limits of the East India Company's Charter, or the produce of the British fisheries, beyond the duty (if any) chargeable by such colonial law upon similar foreign articles, a duty equal to such excess or amount (as the case may be) of the duties so chargeable by such colonial law upon such British articles shall be charged under this Act upon such foreign articles, in addition to the imperial duties (if any) hereby imposed thereon; and that if in any of the British possessions in America or the Mauritius any duty be chargeable by any colonial law upon tea imported direct from China, or imported from the United Kingdom, or any of the British possessions, beyond the duty (if any) chargeable by such colonial law upon tea not so imported, the imperial duty hereby imposed upon tea not so imported shall be increased by such excess or amount (as the case may be) of the duties so chargeable by such colonial law upon tea imported direct from China, or imported from the United Kingdom, or from any of the British possessions.

XVI. That it shall and may be lawful for Her Majesty, by and with the advice of Her Privy Council, by any Order or Orders in Council to be issued from time to time, to direct that any article described in such order, being an article chargeable under this Act as an unenumerated article, with a duty of 4*l.* per cent. *ad valorem*, shall be added to the lists of exemptions hereinbefore set forth, and shall be free from such duty, and from and after the time mentioned in such order for the commencement of such exemption, not being less than six months from the date thereof, such exemption shall take effect, and such article shall thenceforth, whilst such order shall continue in force, be free from such duty accordingly; and any such order may at any time be suspended or revoked by Her Majesty, with the advice of Her Privy Council, by any other Order in Council.

XVII. That all sums of money granted or payable under this Act as duties, penalties, or forfeitures in the British possessions in America or the Mauritius shall be deemed and are hereby declared to be sterling money of Great Britain, and

shall be collected, recovered, and paid to the amount of the value which such nominal sums bear in Great Britain, and such money may be received and taken in sterling money of Great Britain, or in foreign coins at such rates as shall be equivalent to sterling money of Great Britain, and which shall have been fixed by any proclamation issued by Her Majesty; and all duties under this Act shall be paid and received in every part of the British possessions in America and in the Mauritius according to the imperial weights and measures now by law established; and in all cases where such duties are imposed according to any specific quantity or any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value; and all such duties shall be under the management of the Commissioners of Her Majesty's Customs.

XVIII. That the net produce of the duties so received by the means and powers of this Act shall be paid by the collector of the Customs into the hands of the treasurer or receiver general of the colony, or other proper officer authorized to receive the same in the colony in which the same shall be levied, to be applied to such uses as shall be directed by the local legislatures of such colonies respectively; and that the produce of such duties so received as aforesaid in the colonies which have no local legislature shall and may be applied in such manner as shall be directed by the Commissioners of Her Majesty's Treasury.

XIX. That goods the produce or manufacture of the islands of Guernsey, Jersey, Alderney, or Sark, when imported from such islands into the British possessions in America or the Mauritius, shall be admitted to entry upon payment of the same duties as are payable upon the like goods the produce or manufacture of the United Kingdom, or of any of the said possessions, upon production to the principal officer of Customs at the port of importation of the proofs now required by law that such goods are the production or manufacture of the islands aforesaid.

And after reciting that in some of Her Majesty's possessions abroad certain duties of tonnage are, by Acts of the local legislatures of such possessions, made payable in respect of or are levied upon British vessels, to which duties the like vessels built within such possessions, or owned by persons resident there, are not subject;—

It is Enacted,

xx. That there shall be levied and paid at the several British possessions abroad upon all vessels built in any such possessions, or owned by any person or persons there resident, other than coasting or drogueing vessels employed in coasting or drogueing, all such and the like duties of tonnage and shipping as are or shall be payable in any such possessions upon the like British vessels built in other parts of Her Majesty's dominions, or owned by persons not resident in such possessions.

xxi. That the master of every ship arriving in any of the British possessions in America or the Mauritius, or the islands of Guernsey, Jersey, Alderney, or Sark, whether laden or in ballast, shall come directly, and before bulk be broken, to the custom house for the port or district where he arrives, and there make a report in writing to the collector or comptroller, or other proper officer, of the arrival and voyage, of such ship, stating her name, country, and tonnage, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship, and whether she be laden or in ballast, and, if laden, the marks, numbers, and contents of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and where any and what goods, if any, had been unladen during the voyage, as far as any such particulars can be known to him; and the master shall further answer all such questions concerning the ship and cargo, and the crew and the voyage, as shall be demanded of him by such officer; and if any goods be unladen from any ship before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of 100*l.*, and if any goods be not reported such goods shall be forfeited.

xxii. That the master of every ship bound from any British possession abroad, except the territories subject to the government of the Presidencies of Fort William in Bengal, Fort St. George, and Bombay, shall, before any goods be laden therein, deliver to the collector or comptroller, or other proper officer, an entry outwards under his hand of the destination of such ship, stating her name, country, and tonnage, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship; and if any goods be laden on board any ship before such entry be made the master of such ship shall forfeit the sum of 50*l.*; and before such ship depart, the master shall bring and deliver to the collector or comptroller, or other proper officer, a content in writing under his hand of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him; and the master of every ship bound from any such possession, whether in ballast or laden, shall, before departure, come before the collector or comptroller, or other proper officer, and answer all such questions concerning the ship and the cargo, if any, and the crew and the voyage, as shall be demanded of him by such officer; and thereupon the collector and comptroller, or other proper officer, if such ship be laden, shall make out and give to the master a certificate of the clearance of such ship for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be; and if the ship shall depart without such clearance, or if the master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit the sum of 100*l.*

xxiii. That no goods shall be stated in such certificate of clearance of any ship from any British possession to be the produce of such possession unless such goods shall have been expressly stated so to be in the entry outwards of the same, and that all goods not expressly stated in such certificate of clearance to be the produce of such possession shall, at the place of exportation in any other such possession or in the United Kingdom, be deemed to be of foreign production.

xxiv. That before any clearing officer permits any vessel wholly or in part laden with timber or wood goods to clear out from any British port in North America, or in the settlement of Honduras, for any port in the United Kingdom, at any time after the 1st of September, or before the 1st of May in any year, he shall ascertain that the whole of the cargo of such vessel below deck, and shall give the captain or other person having command of such vessel a certificate to that effect; and no

captain or other person having command of any vessel so laden as aforesaid shall sail from any of the ports aforesaid for any port of the United Kingdom, at any such time as aforesaid, until he has obtained such a certificate as aforesaid from the clearing officer.

xxv. That no captain, owner, supercargo, or other person having command of any vessel in respect of which such certificate as aforesaid has been obtained shall place, or permit or cause to be placed or to remain or be, upon or above the deck of such vessel, any part of the cargo thereof, until such vessel has arrived at the port of her destination: Provided always, that if the captain, or other person having command of any such vessel, consider that it is necessary, in consequence of the springing a leak, or of other damage received or apprehended during the voyage, to remove any portion of the cargo upon deck, he may remove or cause to be removed upon the deck of such vessel so much of the cargo, and may permit the same to remain there for such time as he considers expedient: Provided also, that the store spars or other articles necessary for the vessel's use shall not be taken to be cargo for the purposes of this Act.

xxvi. That if any captain or other person having the command of any vessel for which such certificate as aforesaid is hereby required sails or attempts to sail without having obtained such certificate, or places or permits, or causes to be placed or to remain or be, upon or above the deck of such vessel, any part of the cargo thereof, except in the cases in which the same is not hereby forbidden, he shall for every offence forfeit and pay any sum not exceeding 100*l*.

And after reciting that a treaty has been concluded between Her Majesty and the United States of America, dated the 9th of August 1842, whereby it is stipulated that all the produce of the forest in logs, lumber, timber, timber boards, staves, or shingles, or of agriculture not being manufactured, grown on any of those parts of the state of Maine watered by the river Saint John or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries, having their source within the state of Maine, to and from the seaport at the mouth of the river Saint John, and to and round the falls of the said river, either by boats, rafts, or other conveyance; and that when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province: And that it is the intention of the high contracting parties to the said treaty that the aforesaid produce should be dealt with as if it were the produce of the province of New Brunswick;—

It is Enacted,

xxvii. That the produce in the said recited treaty and hereinbefore described shall, so far as regards all laws relating to duties, navigation, and Customs in force in the United Kingdom, or in any of Her Majesty's dominions, be deemed and taken to be and be dealt with as the produce of the province of New Brunswick: Provided, nevertheless, that in all cases in which declarations and certificates of production or origin and certificates of clearance would be required in respect of such produce, if it were the produce of New Brunswick, similar declarations and certificates shall be required in respect of such produce, and shall state the same to be the produce of those parts of the state of Maine which are watered by the river Saint John or by its tributaries.

xxviii. Provided and enacted, That whenever a ship shall be cleared out from any port in Newfoundland, or in any other part of Her Majesty's dominions, for the fisheries on the banks or coasts of Newfoundland or Labrador, or the dependencies thereof, without having on board any article of traffic, (except only such provisions, nets, tackle, and other things as are usually employed in and about the said fishery, and for the conduct and carrying on of the same,) the master of any such ship shall be entitled to demand from the collector or other principal officer of the Customs at such port a certificate under his hand that such ship hath been specially cleared out for the Newfoundland fishery, and such certificate shall be in force for the fishing season for the year in which the same may be granted, and no longer; and upon the first arrival in any port in the said colony of Newfoundland, or its dependencies, of any ship having on board any such certificate as aforesaid, a report thereof shall be made by the master of such ship to the principal officer of Customs at such port, and all ships having such certificate which has been so reported, and being actually engaged in the said fishery, or in carrying coastwise, to be landed or put on board any other ships engaged in the said fishery, any fish, oil, salt, provisions, or other necessities for the use and purposes thereof, shall be exempt from all obligation to make an entry at or obtain any clearance from any custom house at Newfoundland, upon arrival or departure from any of the ports or harbours of the said colony or its dependencies, during the continuance of the fishing season for which such certificate may have been granted; and previously to obtaining a clearance at the end of such season for any voyage at any of such ports the master of such ship shall deliver up the before-mentioned certificate to the principal officer of the Customs of such port: Provided always, that in case any such ship shall have on board during the time the same may be engaged in the said fishery any goods or merchandises whatsoever other than fish, seals, oil made of fish or seals, salt, provisions, and other things, being the produce of or usually employed in the said fishery, such ship shall forfeit the said fishing certificate, and shall thenceforth become and be subject and liable to all such and the same rules, restrictions, and regulations as ships in general are subject or liable to.

xxix. That no goods shall be laden or waterborne to be laden on board any ship, or unladen from any ship, in any of the British possessions in America or the Mauritius, or the islands of Guernsey, Jersey, Alderney, or Sark, until due entry shall have been made of such goods, and warrant granted for the lading or unlading of the same; and that no goods shall be laden or waterborne, or so unladen, except at some place at which an officer of the Customs is appointed to attend the lading and unlading of goods, or at some place for which a sufferance shall be granted by the collector and comptroller or other principal officer for the lading and unlading of such goods; and that no goods shall be so laden or unladen except in the presence or with the permission in writing of the proper officer: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Customs to make and appoint such other regulations for the carrying coastwise of any goods, or for the removing of any goods for shipment, as to them shall appear expedient; and that all goods laden, waterborne, or unladen contrary to the regulations of this Act, or contrary to any regulations so made and appointed, shall be forfeited.

xxx. That whenever it shall appear to the Commissioners of Her Majesty's Customs expedient to establish a coasting trade for the removal of goods generally, or for the removal of any particular goods between neighbouring ports of different colonies similarly circumstanced in respect of duties in any of the British possessions abroad, it shall be lawful for the said Commis-

sioners to issue directions for that purpose, and from and after the publication thereof in the *Gazette*, or other public paper printed in the said colonies to which such coasting trade has been extended, the same shall come into and be in full force and effect; and such coasting trade shall be subject to the like rules, regulations, penalties, and forfeitures as the said Commissioners are authorized to make for the carrying coastwise of any goods under the provisions of this Act.

XXXI. That the person entering any goods shall deliver to the collector or comptroller or other proper officer a bill of the entry thereof, fairly written in words at length, containing the name of the exporter or importer, and of the ship and of the master, and of the place to or from which bound, and of the place within the port where the goods are to be laden or unladen, and the particulars of the quality and quantity of the goods, and the packages containing the same, and the marks and numbers on the packages, and setting forth whether such goods be the produce of the British possessions in America or not, and shall also deliver at the same time one or more duplicates of such bill, in which all sums and numbers may be expressed in figures; and the particulars to be contained in such bill of entry shall be written and arranged in such form and manner, and the number of such duplicates shall be such, as the collector or other principal officer shall require, and such person shall at the same time pay down all duties due upon the goods; and the collector and comptroller or other proper officer shall thereupon grant their warrant for the lading or unlading of such goods.

XXXII. Provided and enacted, that where there is no collector or comptroller or officer of Customs at the port or place of shipment of such goods, then the principal civil officer in the service of Her Majesty at such place, or his sufficient representative, shall be deemed and taken to be the proper officer for the performance of all such duties with respect to such goods as are hereby required to be performed by the collector or other officer or officers of Customs.

XXXIII. That if the importer of any goods shall make and subscribe a declaration before the collector or comptroller or other proper officer that he cannot, for want of full information, make perfect entry thereof, it shall be lawful for the collector and comptroller or other proper officer to receive an entry by bill of sight for the packages or parcels of such goods by the best description which can be given, and to grant a warrant thereupon, in order that the same may be landed and secured to the satisfaction of the officer of the Customs, and at the expense of the importer, and may be seen and examined by such importer in the presence of the proper officers; and within three days after the goods shall have been so landed the importer shall make a perfect entry thereof, and pay down all duties due thereon, and in default of such entry such goods shall be taken to the Queen's warehouse; and if the importer shall not, within one month after such landing, make perfect entry of such goods, and pay the duties due thereon, together with charges of removal and warehouse rent, such goods shall be sold for the payment thereof, and the overplus (if any) shall be paid to the proprietor of the goods.

XXXIV. That in all cases where the duties imposed by this Act upon the importation of articles into Her Majesty's possessions in America or the Mauritius are charged not according to the weight, tale, gauge, or measure, but according to the value thereof, such value shall be ascertained by the declaration of the importer of such articles, or his known agent, in manner and form following; (that is to say,)

I, A. B. do hereby declare, That the Articles mentioned in the Entry, and contained in the Packages [*here specifying the several Packages, and describing the several Marks and Numbers, as the Case may be*], are of the value of

'Witness my Hand the

Day of

'A. B.

'The above Declaration signed the Day of in the Presence of C. D., Collector [*or other principal Officer*].'

which declaration shall be written on the bill of entry of such articles, and shall be subscribed with the hand of the importer thereof, or his known agent, in the presence of the collector or other principal officer of the Customs at the port of importation; provided that if upon view and examination of such articles by the proper officer of the Customs it shall appear to him that the said articles are not valued according to the true price or value thereof, and according to the true intent and meaning of this Act, then and in such case the importer or his known agent shall be required to declare on oath before the collector or comptroller what is the invoice price of such articles, and that he verily believes such invoice price is the current value of such articles at the place from whence the said articles were imported; and such invoice price, with the addition of 10% per cent thereon, shall be deemed to be the value of the articles, in lieu of the value so declared by the importer or his known agent, and upon which the duties imposed by this Act shall be charged and paid: Provided also, that if it shall appear to the collector and comptroller or other proper officer that such articles have been invoiced below the real and true value thereof at the place from whence the same were imported, or if the invoice price is not known, the articles shall in such case be valued by two competent persons, to be nominated and appointed by the governor or commander-in-chief of the colony, plantation, or island into which the said articles are imported; and such persons shall declare on oath before the collector or comptroller or other proper officer what is the true and real value of such articles in such colony, plantation, or island; and the value so declared on the oaths of such persons shall be deemed to be the true and real value of such articles, and upon which the duties imposed by this Act shall be charged and paid.

XXXV. That if the importer of such articles shall refuse to pay the duties hereby imposed thereon, it shall and may be lawful for the collector or other chief officer of the Customs where such articles shall be imported, and he is hereby required, to take and secure the same, with the casks or other package thereof, and to cause the same to be publicly sold within the space of twenty days at the most after such refusal made, and at such time and place as such officer shall, by four or more public notice, appoint for that purpose, which articles shall be sold to the best bidder; and the money arising from the sale thereof shall be applied in the first place in payment of the said duties, together with the charges that shall have been occasioned by the said sale, and the overplus, if any, shall be paid to such importer or proprietor, or any other person authorized to receive the same.

XXXVI. That every importer of any goods shall, within twenty days after the arrival of the importing ship, make due entry of such goods, and land the same; and in default of such entry and landing it shall be lawful for the officers of the Customs to convey such goods to the Queen's warehouse; and if the duties due upon such goods be not paid within three

months after such twenty days shall have expired, together with all charges of removal and warehouse rent, the same shall be sold, and the produce thereof shall be applied first to the payment of freight and charges, next of duties, and the overplus, if any, shall be paid to the proprietor of the goods, or any other person authorized to receive the same.

XXXVII. That every act, matter, or thing required by any law at any time in force to be done or performed by, to, or with the collector and comptroller of Customs in any of Her Majesty's possessions abroad shall and may be done or performed at such ports or places where there is no comptroller of Customs by, to, or with the collector or other principal officer of Customs; and every such act, matter, or thing so done or performed by, to, or with such collector or other principal officer of Customs shall be as valid and effectual in law as if the same had been done and performed by, to, or with any collector and comptroller of Customs under any law now in force or hereafter to be made.

XXXVIII. That no goods shall be imported into any British possession as being imported from the United Kingdom, or from any other British possession (if any advantage attach to such distinction), unless such goods appear upon the cockets or other proper documents for the same to have been duly cleared outwards at the port of exportation in the United Kingdom, or in such other British possession, nor unless the ground upon which such advantage be claimed be stated in such cocket or document.

XXXIX. That no goods shall, upon importation into any of the British possessions in America or the Mauritius, be deemed to be of the growth, production, or manufacture of the United Kingdom, or of any British possession in America or the Mauritius respectively, unless imported from the United Kingdom, or from some British possession in America or the Mauritius respectively.

XL. That no entry nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse, shall be deemed valid, unless the particulars of the goods and packages in such entry shall correspond with the particulars of the goods and packages purporting to be the same in the report of the ship, or in the certificate or other document, where any is required, by which the importation or entry of such goods is authorized, nor unless the goods shall have been properly described in such entry by the denominations and with the characters and circumstances according to which such goods are charged with duty or may be imported; and any goods taken or delivered out of any ship or out of any warehouse by virtue of any entry or warrant not corresponding or agreeing in all such respects, or not properly describing the same, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited.

XLI. That before any sugar, coffee, cocoa, or spirits shall be shipped for exportation in any British possession in America, or in the island of Mauritius, as being the produce of such possession or of the said island, the proprietor of the estate or which such goods were produced, or his known agent, shall make and sign a declaration in writing before the collector, comptroller, or other officer of Customs at the port of exportation, or before one of Her Majesty's Justices of the Peace residing in or near the place where such estate is situated, declaring that such goods are the produce of such estate; and such declaration shall set forth the name of the estate, and the description and quantity of the goods, and the packages containing the same, with the marks and numbers thereon, and the name of the person to whose charge at the place of shipment they are to be sent; and if any Justice of the Peace or other officer aforesaid shall subscribe his name to any writing purporting to be such a declaration, unless the person purporting to make the same shall actually appear before him, and shall declare to the truth of the same, such Justice of the Peace or officer aforesaid shall forfeit and pay for any such offence the sum of 50*l.*; and the person entering and shipping such goods shall deliver such declaration to the collector or comptroller or other proper officer, and shall make and subscribe a declaration before him that the goods which are to be shipped by virtue of such entry are the same as are mentioned in such first-mentioned declaration; and the master of the ship in which such goods shall be laden shall, before clearance, make and subscribe a declaration before the collector or comptroller or other proper officer that the goods shipped by virtue of such entry are the same as are mentioned and intended in such first-mentioned declaration, to the best of his knowledge and belief; and thereupon the collector and comptroller or other proper officer shall sign and give to the master a certificate of production, stating that proof has been made in manner required by law that such goods (describing the same) are the produce of such British possession, or of the said island, and setting forth in such certificate the name of the exporter and of the exporting ship, and of the master thereof, and the destination of the goods; and if any sugar, coffee, cocoa, or spirits be imported into any British possession in America, as being the produce of some other such possession or of the said island, without such certificate of production, the same shall be forfeited.

XLII. That before any sugar, coffee, cocoa, or spirits shall be shipped for exportation in any British possession in America as being the produce of some other such possession, the person exporting the same shall in the entry outwards state the place of production, and refer to the entry inwards and landing of such goods, and shall make and subscribe a declaration before the collector or comptroller to the identity of the same; and thereupon, if such goods shall have been duly imported with a certificate of production within twelve months prior to the shipping for exportation, the collector and comptroller shall sign and give to the master a certificate of production founded upon and referring to the certificate of production under which such goods had been so imported, and containing the like particulars, together with the date of such importation.

And after reciting that it is expedient to make regulation respecting the inland trade of the British possessions in America:

It is Enacted,

XLIII. That it shall be lawful to bring or import by land or by inland navigation into any of the British possessions in America from any adjoining foreign country any goods which might be lawfully imported by sea into such possession from such country, and so to bring or import such goods in the vessels, boats, or carriages of such country, as well as in British vessels, boats, or carriages.

XLIV. That no vessel or boat shall be admitted to be a British vessel or boat on any of the inland waters or lakes in America except such as shall have been built at some place within the British dominions, and shall be wholly owned by British subjects, and shall not have been repaired at any foreign place to a greater extent than in the proportion of 10*s.* for every ton of such

vessel or boat at any one time : Provided always, that nothing hereinbefore contained shall extend to prevent the employment of any vessel or boat as a British vessel or boat on such inland waters or lakes which shall have wholly belonged to British subjects before the 5th of July 1825, and which shall not have been since that day repaired as aforesaid in any foreign place.

XLV. Provided and enacted, That it shall not be lawful so to bring or import any goods except into some port or place of entry at which a custom house now is or hereafter may be lawfully established : Provided also, that it shall be lawful for the governor, lieutenant governor, or person administering the government of any of the said possessions respectively, by and with the advice and consent of the executive council thereof for the time being, if any executive council be there established, from time to time to diminish or increase, by proclamation, the number of ports or places of entry which are or hereafter may be appointed in such province for the entry of goods brought or imported as aforesaid.

XLVI. That the duties imposed by this Act shall be ascertained, levied, and recovered for and upon all goods so brought or imported in the same manner, and by the same means, and under the same rules, regulations, restrictions, penalties, and forfeitures, as the duties on the like goods imported by sea may and can be ascertained, levied, or recovered, as far as the same are applicable ; and if any goods shall be brought or imported contrary hereto, or if any goods so brought or imported shall be removed from the station or place appointed for the examination of such goods by the officers of the Customs before such examination shall have been made, and before all duties payable thereon shall have been paid or satisfied, such goods shall be forfeited, together with the vessel, boat, or carriage, and the horses or other cattle, in or by which such goods shall have been so imported or brought or so removed.

XLVII. That the same tonnage duties shall be paid upon all vessels or boats of the United States of America importing any goods into either of the Provinces of Upper or Lower Canada as are or may be for the time being payable in the United States of America on British vessels or boats entering the harbours of the state from whence such goods shall have been imported.

And after reciting that it is expedient to constitute and appoint some of the free ports and other ports in America to be free warehousing ports, or to be warehousing ports for all or any of the goods which may be legally imported into the said ports respectively, and it is also expedient to empower Her Majesty to constitute and appoint from time to time any other ports in any of the said British possessions in America to be in like manner warehousing ports for such goods as may be legally imported into such ports respectively ; and it is therefore necessary to make regulations for the appointing of proper warehouses at such ports, and for the lodging and securing of goods therein :—

It is Enacted,

XLVIII. That the several ports hereinafter mentioned, (that is to say,)

Kingstown	.	.	.	.	}	Jamaica,
Montego Bay	.	.	.	.		
Falmouth	.	.	.	.		
Bridgetown	.	.	.	.		
St. John's	.	.	.	.	}	Barbadoes,
Plymouth	.	.	.	.		Antigua,
Basseterre	.	.	.	.		Montserrat,
Charlestown	.	.	.	.		St. Kitt's,
Road Harbour	.	.	.	.	}	Nevis,
Castries	.	.	.	.		Tortola,
Roseau	.	.	.	.		St. Lucia,
Kingstown	.	.	.	.		Dominica,
St. George's	.	.	.	.	}	St. Vincent,
Port of Spain	.	.	.	.		Grenada,
Scarborough	.	.	.	.		Trinidad,
George Town	.	.	.	.		Tobago,
New Amsterdam	.	.	.	.	}	Demerara
Nassau	.	.	.	.		Berbice
Grand Key	.	.	.	.		New Providence
Hamilton	.	.	.	.		Turk's Island
St. George's	.	.	.	.	}	} British Guiana,
Halifax	.	.	.	.		
Pictou	.	.	.	.		
Liverpool	.	.	.	.		
Yarmouth	.	.	.	.	}	} Bahamas,
Digby	.	.	.	.		
Sydney (Cape Breton)	.	.	.	.		
Arichat	.	.	.	.		
St. John's	.	.	.	.	}	Bermudas,
St. Andrew's	.	.	.	.		
Welchpool	.	.	.	.		
Quebec	.	.	.	.		
St. John's	.	.	.	.	}	Nova Scotia,
Harbour Grace	.	.	.	.		
Charlotte Town	.	.	.	.		
	.	.	.	.		
	.	.	.	.	}	New Brunswick,
	.	.	.	.		
	.	.	.	.		
	.	.	.	.		
	.	.	.	.	}	Campo Bello,
	.	.	.	.		
	.	.	.	.		
	.	.	.	.		
	.	.	.	.	}	Canada,
	.	.	.	.		
	.	.	.	.		
	.	.	.	.		
	.	.	.	.	}	Newfoundland,
	.	.	.	.		
	.	.	.	.		
	.	.	.	.		
	.	.	.	.	}	Prince Edward's Island,
	.	.	.	.		
	.	.	.	.		
	.	.	.	.		

shall be FREE WAREHOUSING PORTS for all the purposes of this Act ; and that



Kingston,	.	.	.	.	} in Canada,
Toronto,	.	.	.	.	
Hamilton,	.	.	.	.	
and					
Montreal,	.	.	.	.	

shall be WAREHOUSING PORTS for the warehousing of goods brought by land or inland navigation, or imported in British ships; and that it shall be lawful for the several collectors and comptrollers of the said ports respectively, by notice in writing under their hands, to appoint from time to time such warehouses at such ports respectively as shall be approved of by them for the free warehousing and securing of goods therein for the purposes of this Act, and also in such notice to declare what sorts of goods may be so warehoused, and also by like notice to revoke or alter any such appointment or declaration: Provided always, that every such notice shall be transmitted to the governor of the place, and shall be published in such manner as he shall direct.

XLIX. That it shall be lawful for the importer of any such goods into the said ports to warehouse the same in the warehouses so appointed without payment of any duty on the first entry thereof, subject nevertheless to the rules, regulations, restrictions and conditions hereinafter contained.

L. That upon the arrival of any goods at any frontier port in the Canadas, such goods may be entered with the proper officer of the Customs at such port, to be warehoused at some warehousing port in the Canadas, and may be delivered by such officer to be passed on to such warehousing port, under bond, to the satisfaction of such officer, for the due arrival and warehousing of such goods at such port.

LI. That all goods so warehoused shall be stowed in such parts or divisions of the warehouse and in such manner as the collector and comptroller shall direct, and that the warehouse shall be locked and secured in such manner, and shall be opened and visited only at such times, and in the presence of such officers, and under such rules and regulations, as the collector and comptroller shall direct; and that all such goods shall, after being landed upon importation, be carried to the warehouse, or shall, after being taken out of the warehouse for exportation, or for stores, be carried to be shipped under such rules and regulations as the collector and comptroller shall direct.

LII. That upon the entry of any goods to be warehoused, the importer of such goods, instead of paying down the duties due thereon, shall give bond with two sufficient sureties, to be approved of by the collector or comptroller, in treble the duties payable on such goods, with condition for the safe depositing of such goods in the warehouse mentioned in such entry, and for the payment of all duties due upon such goods, or for the exportation thereof or shipment thereof as stores, according to the first account taken of such goods upon the landing of the same; and with further condition, that no part thereof shall be taken out of such warehouse until cleared from thence upon due entry and payment of duty, or upon due entry for exportation or for shipment as stores; and with further condition, that the whole of such goods shall be so cleared from such warehouse, and the duties, upon any deficiency of the quantity according to such first account, shall be paid within two years from the date of the first entry thereof; and if after such bond shall have been given the goods or any part thereof shall be sold or disposed of, so that the original bondholder shall be no longer interested in or have any controul over the same, it shall be lawful for the collector and comptroller to admit fresh security to be given by the bond of the new proprietor or other person having controul over such goods, with his sufficient sureties, and to cancel the bond given by the original bondholder of such goods, or to exonerate him to the extent of the fresh security so given.

LIII. That if any goods which have been entered to be warehoused shall not be duly carried into and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation, or for shipment as stores, from the warehouse, shall not be duly carried and shipped, or shall afterwards be re-landed, except with the permission of the proper officer of the Customs, such goods shall be forfeited.

LIV. That upon the entry and landing of any goods to be warehoused the proper officer of the Customs shall take a particular account of the same, and shall mark the contents on each package, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse, except upon due entry and under the care of the proper officers for exportation, or for stores, or upon due entry and payment of duty for home use; and whenever the whole of the goods warehoused under any entry shall be cleared from the warehouse, or whenever further time shall be granted for any such goods to remain warehoused, an account shall be made out of the quantity upon which the duties have been paid, and of the quantity exported, and of the quantity (to be then ascertained) of the goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any whole packages (if any) which may have been abandoned for duties; and if upon such account there shall in either case appear to be any deficiency of the original quantity, the duty payable upon the amount of such deficiency shall then be paid.

LV. That it shall be lawful for the collector and comptroller, under such regulations as they shall see fit, to permit moderate samples to be taken of any goods so warehoused, without entry, and without payment of duty, except as the same shall eventually become payable, as on a deficiency of the original quantity.

LVI. That it shall be lawful for the collector and comptroller, under such regulations as they shall see fit, to permit the proprietor or other person having controul over the goods so warehoused to sort, separate, and pack and re-pack any such goods, and to make such lawful alterations therein, or arrangements and assortments thereof, as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same, and also to permit any parts of such goods so separated to be destroyed, but without prejudice to the claim for duty upon the whole original quantity of such goods: Provided always, that it shall be lawful for any person to abandon any whole packages to the officers of the Customs for the duties, without being liable to any duty upon the same.

LVII. That goods warehoused at any warehousing port in any of the British possessions in America, being first duly entered, may be delivered, under the authority of the proper officer of Customs, without payment of duty, except any deficiency thereof, for the purpose of removal to another warehousing port in the same possession, under bond, to the satisfaction of such officer, for the due arrival and re-warehousing such goods at such other port.

LVIII. That all goods which have been so warehoused or re-warehoused shall be duly cleared, either for exportation or for home consumption, within two years from the day of first entry for the warehousing thereof, and if any such goods be not so cleared it shall be lawful for the collector and comptroller to cause the same to be sold, and the produce shall be applied first to the payment of the duties, next of warehouse rent and other charges, and the overplus (if any) shall be paid to the proprietor: Provided always, that it shall be lawful for the collector and comptroller to grant further time for any such goods to remain warehoused, if they shall see fit so to do: Provided also, that foreign salted beef or pork so warehoused or re-warehoused may be delivered into the charge of a searcher or other proper officer of Customs to be shipped as stores; and such beef and pork shall and may be so shipped without entry or payment of any duty for every ship of the burden of sixty tons at least bound upon a voyage to foreign parts, the probable duration of which, out and home, will not be less than forty days, and such foreign beef or pork so shipped shall be deemed to be exported: Provided also, that such foreign beef and pork shall be duly borne upon the ship's clearance, and shall be shipped in such quantities, and subject to such directions and regulations, as the collector or other chief officer of Customs at the port of shipment shall appoint: Provided also, that the surplus stores of such foreign beef or pork may be delivered into the charge of the searcher or other proper officer of Customs to be re-shipped as stores, under such directions and regulations as the collector or other chief officer of Customs shall appoint; and any such beef or pork shipped as stores contrary to such directions and regulations shall be forfeited.

LIX. That upon the entry outwards of any goods to be exported from the warehouse, the person entering the same shall give security by bond in treble the duties of importation on the quantity of such goods, or if such goods are prohibited to be imported for home use, in double the value of such goods, with two sufficient sureties, to be approved by the collector or comptroller, that the same shall be landed at the place for which they be entered outwards, or be otherwise accounted for to the satisfaction of the collector and comptroller.

LX. That it shall be lawful for Her Majesty, by Order in Council, from time to time to appoint any port in Her Majesty's possessions in America to be a free warehousing port for all or any of the purposes of this Act; and every such port so appointed by Her Majesty shall be, for all the purposes expressed in such order, a free warehousing port under this Act, as if appointed by the same.

And after reciting that it is expedient that all duties and regulations relating to importation and exportation into and from Her Majesty's Islands in the West Indies should be extended to the Island of Mauritius,—

*It is Enacted,*

LXI. That all goods, wares, and merchandise, the growth, produce, or manufacture of the island of Mauritius, and all goods, wares, and merchandise which, having been imported into the said island of Mauritius, shall be imported from thence into any part of the United Kingdom of Great Britain and Ireland, or into any possessions of Her Majesty, her heirs or successors, shall be liable, upon such importation into the United Kingdom, or into any such possessions respectively, to the payment of the same duties, and shall be subject to the same regulations, as the like goods, wares, and merchandise, being of the growth, produce, or manufacture of Her Majesty's islands in the West Indies, or having been imported into or exported from any of the said islands, and imported from the same into the said United Kingdom, or into any such possessions respectively, would on such importation be liable to the payment of or would be subject unto; and that upon the importation of any goods, wares or merchandise from the United Kingdom to the island of Mauritius such goods, wares, or merchandise shall be liable to the same duties, and shall be entitled to the like drawbacks respectively, as would or ought by law to be charged or allowed upon the like goods from the United Kingdom to any of Her Majesty's islands in the West Indies; and that all goods, wares, and merchandise which shall be imported into or exported from the said island of Mauritius from or to any place whatever other than the United Kingdom shall, upon such importation or exportation respectively, be liable to the payment of the same duties, and shall be subject to the same regulations, so far as any such regulations can or may be applied, as the like goods, wares, and merchandise would be liable to the payment of or would be subject to upon importation into or exportation from any of Her Majesty's islands in the West Indies; and that all ships and vessels whatever which shall arrive at or depart from the said island of Mauritius shall be liable to the payment of the same duties, and shall be subject to the same regulations, as such ships or vessels would be liable to the payment of or would be subject to if arriving at or departing from any of Her Majesty's islands in the West Indies.

LXII. That in all trade with the British possessions in America and the Mauritius, the Cape of Good Hope, and the territories and dependencies thereof, shall be deemed to be within the limits of the East India Company's Charter.

LXIII. That all laws, bye-laws, usages, or customs at this time or which hereafter shall be in practice, or endeavoured or tended to be in force or practice, in any of the British possessions in America, which are in anywise repugnant to this Act, or to any Act of Parliament made or hereafter to be made in the United Kingdom, so far as such Act shall relate to and concern the said possessions, are and shall be null and void to all intents and purposes whatsoever.

LXIV. Provided and enacted, That no exemption from duty in any of the British possessions abroad, contained in any Act of Parliament, shall extend to any duty not imposed by Act of Parliament, unless and so far only as any duty not so imposed is or shall be expressly mentioned in such exemption.

LXV. That it shall be lawful for the officers of Customs to go on board any ship in any port in any British possession in America, and to rummage and search all parts of such ship for prohibited and uncustomed goods, and also to go on board any ship hovering within one league of any of the coasts thereof, and in either case freely to stay on board such ship so long as they shall remain in such port or within such distance; and if any such ship be bound elsewhere, and shall continue so

hovering for the space of twenty-four hours after the master shall have been required to depart, it shall be lawful for the officer of Customs to bring such ship into port, and to search and examine her cargo, and to examine the master on oath touching the cargo and voyage; and if there be any goods on board prohibited to be imported into such possession, such ship and her cargo shall be forfeited; and if the master shall not truly answer the questions which shall be demanded of him on such examination he shall forfeit the sum of 100*l*.

LXVI. That all vessels, boats, carriages, and cattle made use of in the removal of any goods liable to forfeiture under this or any Act relating to the Customs, or to trade or navigation, shall be forfeited; and every person who shall assist or be otherwise concerned in the unshipping, landing, or removal, or in the harbouring, of such goods, or into whose hands or possession the same shall knowingly come, shall forfeit the treble value thereof, or the penalty of 100*l*., at the election of the officers of the Customs; and the averment in any information or libel to be exhibited for the recovery of such penalty, that the officer proceeding has elected to sue for the sum mentioned in the information, shall be deemed sufficient proof of such election, without any other or further evidence of such fact.

LXVII. That all goods, and all ships, vessels, and boats, and all carriages, and all cattle, liable to forfeiture under this or any Act relating to the Customs, or to trade or navigation, shall and may be seized and secured by any officer of the Customs or navy, or by any person employed for that purpose, by or with the concurrence of the Commissioners of Her Majesty's Customs; and every person who shall in any way hinder, oppose, molest, or obstruct any officer of the Customs or Navy, or any person so employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, shall for every such offence forfeit the sum of 200*l*.

LXVIII. That if any officer of Customs, or any person duly employed for the prevention of smuggling, shall make any collusive seizure, or deliver up, or make any agreement to deliver up, or not to seize, any vessel, boat or goods liable to forfeiture under this or any Act relating to the Customs, or to trade or navigation, or shall take any bribe, gratuity, recompence, or reward for the neglect or non-performance of his duty, every such officer or other person shall forfeit for every such offence the sum of 500*l*., and be rendered incapable of serving Her Majesty in any office whatever; and every person who shall give or offer, or promise to give or procure to be given, any bribe, recompence, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid in any of Her Majesty's possessions abroad, to induce him in any way to neglect his duty, or to do, conceal, or connive at any thing whereby the provisions of any such Act may be evaded, shall forfeit the sum of 200*l*.

LXIX. That all vessels, boats, goods, and other things which shall have been or shall hereafter be seized as forfeited in or near any of the British possessions abroad, under this or any Act relating to the Customs, or to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with in the manner directed by law in respect to vessels, boats, goods, and other things seized and condemned for breach of any such Act, unless the person from whom such vessels, boats, goods, and other things shall have been seized, or the owner of them, or some person authorized by him, shall, within one calendar month from the day of seizing the same, give notice in writing to the person or persons seizing the same, or to the collector, comptroller, or other chief officer of Customs at the nearest port, that he claims the vessel, boat, goods, or other things, or intends to claim them.

LXX. That under the authority of a writ of assistance granted by the superior or supreme court of justice or court of vice-admiralty having jurisdiction in the place (who are hereby authorized and required to grant such writ of assistance, upon application made to them for that purpose by the principal officers of Her Majesty's Customs), it shall be lawful for any officer of the Customs, taking with him a peace officer, to enter any building or other place in the day time, and to search for and seize and secure any goods liable to forfeiture under this or any Act relating to the Customs, or to trade or navigation; and, in case of necessity, to break open any doors and any chests or other packages for that purpose; and such writ of assistance, when issued, shall be deemed to be in force during the whole of the reign in which the same shall have been granted, and for twelve months from the conclusion of such reign.

LXXI. That if any person shall, by force or violence, assault, resist, oppose, molest, hinder, or obstruct any officer of the Customs or Navy, or other person employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, such person being thereof convicted shall be adjudged a felon, and shall be proceeded against as such, and punished at the discretion of the Court before whom such person shall be tried.

LXXII. That all things which shall be seized as being liable to forfeiture under this or any Act relating to the Customs or to trade or navigation, shall be taken forthwith and delivered into the custody of the collector and comptroller of Customs at the custom house next to the place where the same were seized, who shall secure the same by such means and in such manner as shall be provided and directed by the Commissioners of Her Majesty's Customs, and after condemnation thereof the collector and comptroller shall cause the same to be sold by public auction to the best bidder: Provided always, that it shall be lawful for the said Commissioners to direct in what manner the produce of such sale shall be applied, or, in lieu of such sale, to direct that any of such things shall be destroyed, or shall be reserved for the public service.

LXXIII. That all penalties and forfeitures which may have been heretofore or may be hereafter incurred under this or any Act relating to the Customs, or to trade or navigation, shall and may be prosecuted, sued for, and recovered in any court of record or of vice-admiralty having jurisdiction in the colony or plantation where the cause of prosecution arises, and in cases where there shall happen to be no such court, then in any court of record or of vice-admiralty having jurisdiction in some British colony or plantation near to that where the cause of prosecution arises; provided that in cases where seizure is made in any other colony than that where the forfeiture accrues, such seizure may be prosecuted in any court of record or of vice-admiralty having jurisdiction either in the colony or plantation where the forfeiture accrues, or in the colony or plantation where the seizure is made, at the election of the seizer or prosecutor; and in cases where there shall happen to be no such courts in either of the last-mentioned colonies or plantations, then in the court of record or of

vice-admiralty having jurisdiction in some British colony or plantation near to that where the forfeiture accrues, or to that where the seizure is made, at the election of the seisor or prosecutor.

LXXIV. That if any goods or any ship or vessel shall be seized as forfeited under this or any Act relating to the Customs, or to trade or navigation, and detained in any of the British possessions in America, it shall be lawful for the Judge or Judges of any court having jurisdiction to try and determine such seizures, with the consent of the collector and comptroller of the Customs, to order the delivery thereof on security by bond, with two sufficient sureties, to be first approved by such collector and comptroller, to answer double the value of the same in case of condemnation; and such bond shall be taken to the use of Her Majesty in the name of the collector or officer of the Customs in whose custody the goods or the ship or vessel may be lodged, and such bond shall be delivered and kept in the custody of such collector or officer; and in case the goods or the ship or vessel shall be condemned, the value thereof shall be paid into the hands of such collector or officer, who shall thereupon, with the consent or privity of his comptroller, cancel such bond.

LXXV. That no suit shall be commenced for the recovery of any penalty or forfeiture under this or any Act relating to the Customs, or to trade or navigation, except in the name of some superior officer of the Customs or Navy, or other person employed as hereinbefore mentioned, or of Her Majesty's Advocate or Attorney General for the place where such suit shall be commenced; and if a question shall arise, whether any person is an officer of the Customs or Navy, or such other person as aforesaid, *visd voce* evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

LXXVI. That if any goods shall be seized for non-payment of duties, or any other cause of forfeiture, and any dispute shall arise whether the duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall lie on the owner or claimer of such goods and not on the officer who shall seize or stop the same.

LXXVII. That no claim to anything seized under this or any Act relating to the Customs, or to trade or navigation and returned into any of Her Majesty's courts for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his attorney or agent by whom such claim shall be entered, to the best of his knowledge and belief; and every person making a false oath thereto shall be deemed guilty of a misdemeanour, and shall be liable to the pains and penalties to which persons are liable for a misdemeanour.

LXXVIII. That no person shall be admitted to enter a claim to any thing seized in pursuance of this or any Act relating to the Customs, or to trade or navigation, and prosecuted in any of the British possessions in America, until sufficient security shall have been given in the court where such seizure is prosecuted, in a penalty not exceeding 60*l.*, to answer and pay the costs occasioned by such claim; and in default of giving such security such things shall be adjudged to be forfeited, and shall be condemned.

LXXIX. That no writ shall be sued out against, nor a copy of any process served upon, any officer of the Customs or Navy, or other person as aforesaid, for anything done in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of the cause of such action shall be produced, except of such as shall be contained in such notice; and no verdict shall be given for the plaintiff unless he shall prove on the trial that such notice was given; and in default of such proof the defendant shall receive in such action a verdict and costs.

LXXX. That every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the place or district where the facts were committed; and the defendant may plead the general issue and give special matter in evidence; and if the plaintiff shall become nonsuited, or shall discontinue the action, or if upon a verdict or demurrer judgment shall be given against the plaintiff, the defendant shall receive treble costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

LXXXI. That in case any information or suit shall be brought to trial on account of any seizure made under this or any Act relating to the Customs, or to trade or navigation, and a verdict shall be found for the claimant thereof, and the Judge or Court before whom the cause shall have been tried shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict shall be given against the defendant, the plaintiff, besides the things seized, or the value thereof, shall not be entitled to more than 2*d.* damages, nor any costs of suit, nor shall the defendant in such prosecution be fined more than 1*s.*

LXXXII. That it shall be lawful for such officer, within one calendar month after such notice, to tender amends to the party complaining, or his agent, and to plead such tender in bar to any action, together with other pleas; and if the jury all find the amends sufficient, they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall come nonsuited, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: provided always, that it shall be lawful for such defendant, by leave of the Court where such action shall be brought, at any time before issue joined, to pay money into court as in other actions.

LXXXIII. That in any such action, if the Judge or Court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than 2*d.* damages, nor to any costs of suit.

LXXXIV. That all penalties and forfeitures recovered in any of the British possessions in America under this or any Act relating to the Customs, or to trade or navigation, shall be paid into the hands of the collector or comptroller of the port or place of the British possessions in America where the same shall have been recovered, and shall be divided, paid, and applied as follows; (that is to say), after deducting the charges of prosecution from the produce thereof, one third part of the net produce shall be paid into the hands of the collector of Her Majesty's Customs at the port or place where such penalties or forfeitures shall be recovered for the use of Her Majesty, one third part to the governor or commander-in-chief of the said colony or plantation, and the third part to the person who shall seize, inform, and sue for the same; excepting such seizures as shall be made at sea by the commanders or officers of Her Majesty's ships of war duly authorized to make seizures, one moiety of which seizure, and of the penalties and forfeitures recovered thereon, first deducting the charges of prosecution from the gross produce thereof, shall be paid as aforesaid to the collector of Her Majesty's Customs, and for the use of Her Majesty, and the other moiety to him or them who shall seize, inform, and sue for the same, any law, custom, or usage to the contrary notwithstanding, subject nevertheless to such distribution of the produce of the seizures so made at sea, as well with regard to the moiety hereinbefore granted to Her Majesty as with regard to the other moiety given to the seizer or prosecutor, as Her Majesty shall think fit to order and direct by any Order or Orders in Council, or by any proclamation or proclamations to be made for that purpose.

LXXXV. That all actions or suits for the recovery of any of the penalties or forfeitures imposed by this or any Act relating to the Customs, or to trade or navigation, may be commenced or prosecuted at any time within three years after the offence committed by reason whereof such penalty or forfeiture shall be incurred, any law, usage, or custom to the contrary notwithstanding.

LXXXVI. That no appeal shall be prosecuted from any decree or sentence of any of Her Majesty's Courts in America touching any penalty or forfeiture imposed by this or any Act relating to the Customs, or to trade or navigation, unless the inhibition shall be applied for and decreed within twelve months from the time when such decree or sentence was pronounced.

LXXXVII. Provided and enacted, That in any case in which proceedings shall have been or shall hereafter be instituted in any court of vice-admiralty or other competent court in any of Her Majesty's possessions abroad against any ship, vessel, boat, goods, or effects for the recovery of any penalty or forfeiture under this or any Act relating to the Customs, or to trade or navigation, the execution of any sentence or decree restoring such ship, vessel, boat, goods, or effects to the claimant thereof, which shall be pronounced by the said vice-admiralty court in which such proceedings shall have been had, shall not be suspended by reason of any appeal which shall be prayed and allowed from such sentence; provided that the party or parties appellants shall give sufficient security, to be approved of by the Court, to render and deliver the ship, vessel, boat, goods, or effects concerning which such sentence or decree shall be pronounced, or the full value thereof, to be ascertained either by agreement between the parties, or in case the said parties cannot agree, then by appraisement under the authority of the said Court, to the appellant or appellants, in case the sentence or decree so appealed from shall be reversed, and such ship, vessel, boat, goods, or effects be ultimately condemned.

LXXXVIII. That all persons authorized to make seizures under an Act, 5 Geo. 4. c. 119, intituled, 'An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade,' shall, in making and prosecuting any such seizures, have the benefit of all the provisions granted to persons authorized to make seizures under this Act.

LXXXIX. That all penalties and forfeitures created by the said Act, 5 Geo. 4. c. 119, whether pecuniary or specific, shall (except in cases specially provided for by the said Act) go and belong to such persons as are authorized by that Act to make seizures in such shares, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied, in such and the like manner, and by the same ways and means, and subject to the same rules and directions, as any penalties and forfeitures incurred in Great Britain and in the British possessions in America respectively now go and belong to, and may be sued, prosecuted, tried, recovered, and distributed respectively in Great Britain or in the said possessions under and by virtue of this Act.

XC. That it shall be lawful for Her Majesty, by and with the advice of Her Privy Council by any Order or Orders in Council to be issued from time to time, to give such directions and make such regulations touching the trade and commerce to and from any British possessions on or near the continent of Europe, or within the Mediterranean Sea, or in Africa, or within the limits of the East India Company's Charter (excepting the possessions of the said company), as to Her Majesty in Council shall appear most expedient and salutary, anything in this Act to the contrary notwithstanding; and if any goods shall be imported or exported in any manner contrary to any such order of Her Majesty in Council, the same shall be forfeited together with the ship importing or exporting the same.

XCI. That it shall be lawful for any person, being the shipper of any sugar the produce of some British possession within the limits of the East India Company's Charter, about to be exported from any place in such possession, to go before the collector or comptroller or other chief officer of the Customs at such place, or, if there be no such officer of the Customs, to go before the principal officer of such place, or the Judge or commercial resident of the district, and make and sign a declaration before him that such sugar was really and *bona fide* the produce of such British possession, to the best of his knowledge and belief; and such officer, Judge, or resident is hereby authorized and required to grant a certificate thereof, setting forth in such certificate the name of the ship in which the sugar is to be exported, and the destination of the same.

XCII. That all ships built at any place within the limits of the East India Company's Charter prior to the 1st of January 1816 and which then were and have continued ever since to be solely the property of Her Majesty's subjects, shall be deemed to be British ships for all the purposes of trade within the said limits, including the Cape of Good Hope, anything in this Act, or in any other Act or Acts passed in this present session of Parliament to the contrary notwithstanding.

XCIII. That it shall be lawful for the shipper of any wine the produce of the Cape of Good Hope or of its dependencies which is to be exported from thence, to go before the chief officer of the Customs, and make and sign a declaration before him that

such wine was really and *bona fide* the produce of the Cape of Good Hope or of its dependencies; and such officer is hereby authorised and required to grant a certificate thereof, setting forth in such certificate the name of the ship in which the wine is to be exported, and the destination of the same.

xciv. That it shall be lawful for any person who is about to export from any of the islands of Guernsey, Jersey, Alderney, or Sark to the United Kingdom, or to any of the British possessions in America or the Mauritius, any goods of the growth or produce of any of those islands, or any goods manufactured from materials which were the growth or produce thereof, or of the United Kingdom, or of materials duty free in the United Kingdom, or whereupon the duty has been there paid, and not drawn back, to go before any magistrate of the island from which the goods are to be exported, and make and sign before him a declaration that such goods, describing the same, are of such growth or produce, or of such manufacture, and such magistrate shall administer and sign such declaration; and thereupon the governor, lieutenant governor, or commander-in-chief of the island from which the goods are to be exported shall, upon the delivery to him of such declaration, grant a certificate under his hand of the proof contained in such declaration, stating the ship in which and the port to which, in the United Kingdom or in any such possession, the goods are to be exported; and such certificate shall be the proper document to be produced at such ports respectively in proof that the goods mentioned therein are of the growth, produce, or manufacture of such islands respectively.

xcv. That no brandy, geneva, or other spirits (except rum of the British plantations) shall be imported into or exported from the islands of Jersey, Guernsey, Alderney, or Sark, or any one of them, or be removed from any one to any other of the said islands, or be carried coastwise from any one part to any other part of any one of the said islands, or shall be shipped in order to be so removed or carried, or shall be waterborne for the purpose of being so shipped in any vessel of less burden than sixty tons, nor in any cask or other vessel capable of containing liquids not being of the size or content of twenty gallons at the least; and that all brandy, geneva, or other spirits imported, exported, removed, carried, shipped, or waterborne contrary hereto shall be forfeited, together with the vessel or boat importing, exporting, removing, or carrying the same, and all the guns, furniture, ammunition, tackle, and apparel thereof: Provided always, that nothing herein contained shall extend to any spirits imported in glass bottles in square-rigged ships as part of the cargo thereof, nor to any spirits being really intended for the consumption of the seamen and passengers during their voyage, and not being more in quantity than is necessary for that purpose.

xcvi. Provided and enacted, That nothing herein contained shall extend or be construed to extend to subject to forfeiture or seizure, under any of the provisions of this Act, any boat not exceeding the burden of ten tons for having on board at any one time any foreign spirits of the quantity of ten gallons or under, such boat having a licence from the proper officer of Customs at either of the islands of Guernsey or Jersey for the purpose of being employed in carrying commodities for the supply of the said island of Sark, which licence such officer of Customs is hereby required to grant, without taking any fee or reward for the same: Provided also, that every such boat having on board at any one time any greater quantity of spirits than ten gallons, unless such greater quantity of spirits shall be in casks or packages of the size and content hereinbefore required, shall be forfeited.

xcvii. That every person who shall be found or discovered to have been on board any vessel or boat liable to forfeiture under any Act relating to the revenue of Customs, for being found within one league of the islands of Guernsey, Jersey, Alderney, or Sark, having on board or in any manner attached or affixed thereto, or conveying or having conveyed, in any manner, such goods or other things as subject such vessel or boat to forfeiture, or who shall be found or discovered to have been on board any vessel or boat from which any part of the cargo shall have been thrown overboard during chase, or staved or destroyed, shall forfeit the sum of 100*l*.

xcviii. That it shall not be lawful for any person to re-export from any of Her Majesty's possessions abroad to any foreign place in any foreign ship any coals the produce of the United Kingdom, except upon payment of the duty to which such coals would be liable upon exportation from the United Kingdom to such foreign place; and that no such coals shall be so shipped at any of such possessions to be exported to any British place until the exporter or the master of the exporting vessel shall have given bond, with one sufficient surety, in double the value of the coals, that such coals shall not be landed at any foreign place.

xcix. That if any person shall, in any of Her Majesty's possessions abroad, counterfeit or falsify, or wilfully use when counterfeited or falsified, any entry, warrant, cocket, transire, or other document for the unlading, lading, entering, reporting, or clearing any ship or vessel, or for the landing, shipping, or removing of any goods, stores, baggage, or article whatever, or shall by any false statement procure any writing or document to be made for any such purposes, or shall falsely make any oath or affirmation required by this Act, or shall forge or counterfeit a certificate of the said oath or affirmation, or shall publish such certificate knowing the same to be so forged or counterfeited, every person so offending shall for every such offence forfeit the sum of 200*l*; and such penalty shall and may be prosecuted, sued for, and recovered in like manner and by such ways and means as any penalty may be prosecuted, sued for, and recovered under the provisions and directions of this Act.

And after reciting that by an Act, 2 & 3 Will. 4. c. 78, intituled 'An Act to continue certain Acts relating to the Island of Newfoundland, and to provide for the Appropriation of all Duties which may hereafter be raised within the said Island,' provision was made for the appropriation of the net produce of all duties levied within the said colony by any Act of Parliament then or thereafter to be in force there, and for the deduction from and out of such net proceeds in each and every year of a sum not exceeding 6,550*l*., to be applied in the manner, for the purposes, and under the authority therein mentioned: And that doubts may arise whether the provisions aforesaid, or some of them, were not repealed or abrogated by some or one of the Acts passed in 3 & 4 Will. 4; for the removal of such doubts:—

It is Declared and Enacted,

c. That nothing contained in any Act passed in that session of Parliament, or in the present session of Parliament, did or doth repeal, abrogate, annul, or alter the said recited Act, or any part thereof, or any of the provisions therein contained; but

that from and out of the net proceeds of all duties levied from year to year within the said colony of Newfoundland by any Act of the said last mentioned session of Parliament, or any Act thereafter passed or to be passed, such deduction shall be annually made as in the said recited Act is mentioned; and that the sum of money so from year to year to be deducted shall be applied from time to time in such manner, and for such purposes, and under such authority as in the said recited Act is particularly mentioned and set forth.

ci. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

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CAP. XCIV.

AN ACT for the regulating the Trade of the *Isle of Man*.

(4th August 1845.)

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ABSTRACT OF THE ENACTMENTS.

1. *Commencement of Act.*
2. *Duties in Table to be levied on goods imported into the Isle of Man, except on corn, grain, meal, or flour.*
3. *Power to the Lords of the Treasury to remit and to re-impose the duties levied on unenumerated articles.—Orders to be published in the Gazette, and laid before Parliament.*
4. *Certain goods importable only under licence.—Lords of the Treasury may permit the importation of additional quantities.*
5. *Application for licences to be delivered to officers at Douglas between the 5th of May and the 5th of July.*
6. *Governor to allot quantities; and report to Treasury and Commissioners of Customs.*
7. *Commissioners of Customs to grant licences according to report of governor.*
8. *Before delivery of licences, bond to be given.—Licence not taken up may be transferred by governor.*
9. *Parties not importing the whole of the goods for which they have obtained a licence disqualified from having a licence the following year.*
10. *Counterfeiting or falsifying licence, penalty 500l.*
11. *Licence goods not to be re-exported, nor to be carried coastwise unless in vessels of fifty tons.—Wine removed inland, &c.*
12. *Trade with the Isle of Man to be a coasting trade.—Goods subject to duty when brought from the United Kingdom to be brought subject to the same law as goods imported from foreign parts.*
13. *Corn, grain, meal, and flour may be warehoused in the island.*
14. *Provisions of Warehousing Act to extend to the Isle of Man in respect of corn, grain, meal, and flour.—Publication of notice.*
15. *Warehoused goods may be removed into Isle of Man, under certain regulations.*
16. *Act not to affect regulations as to Excise drawbacks.*
17. *Sugar on which bounty has been allowed may be removed to the Isle of Man.*
18. *Bond to be given not to re-land such sugar.*
19. *Foreign goods, except corn, not to be brought from the Isle of Man to the United Kingdom.*
20. *Goods prohibited to be imported into the Isle of Man.*
21. *Goods imported, exported, or carried coastwise, contrary to the Act, forfeited.—Penalty.*
22. *Limiting the quantity of spirits, tea, and tobacco for use of seamen: in decked vessels; in open boats.*
23. *Certificate for goods the produce of the Isle of Man.*
24. *Management of duties.—Duties to be paid into the Exchequer.—Part of duties may be retained for expenses of the Government.*
25. *Annual sum of 2,300l. to be paid from duties under this Act to Harbour Commissioners.*
26. *Manx vessels of fifty tons registered to be entitled to the privileges of vessels of sixty tons.*
27. *Alteration of Act.*

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By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 60, whereby the laws of Customs in relation to the trade of the Isle of Man were consolidated: And that since the passing of the said Act divers Acts and parts of Acts for the further amendment of the law in that respect have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Acts and parts of Acts should be consolidated into one Act:—

It is Enacted,

i. That from and after the passing of this Act the same shall come into and be and continue in full force and effect for all the purposes therein mentioned, except where any other commencement is herein particularly directed.

ii. That in lieu of all duties of Customs (except the duties of Customs on corn, grain, meal, or flour,) now payable by law upon the importation of goods, wares, or merchandise into the Isle of Man there shall be raised, levied, collected, or paid unto Her Majesty, her heirs and successors, the several duties of Customs as the same are respectively set forth in figures in the table hereinafter contained, denominated Table of Duties, upon the importation or bringing into the Isle of Man of the several goods, wares, or merchandise in the said table mentioned, according to the quantity or value thereof specified in the said table, and so in proportion for any greater or less quantity or value of the same; (that is to say.)

## TABLE OF DUTIES.

A TABLE of the DUTIES of CUSTOMS payable on GOODS, WARES, and MERCHANDISE imported or brought into the ISLE of MAN.

	£.	s.	d.
Coals from the United Kingdom			Free.
Coffee, the import duties in the United Kingdom not having been there paid thereon	per lb.	0	0 2
Hemp			Free.
Hops from the United Kingdom			Free.
Iron			Free.
Spirits; videlicet, Brandy, foreign	the gallon	0	4 6
Geneva, foreign	the gallon	0	2 6
Rum of the British possessions	the gallon	0	1 6
Such spirits not exceeding the strength of proof by Sykes's hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any greater or less quantity than a gallon.			
Sugar, Muscovado, of the British possessions, and such other sugar as if entered for consumption in the United Kingdom would be subject, under any Act of the present session of Parliament, to a duty less than 63s. the cwt.	the cwt.	0	1 0
Sugar, refined in the United Kingdom from raw sugar whereupon the import duties have there been paid	the cwt.	0	9 0
Tea; videlicet,			
Bohea	the lb.	0	1 0
Green	the lb.	0	1 0
Tobacco	the lb.	0	1 6
Segars	the lb.	0	3 0
Wine	the tun of 252 gallons	12	0 0
Wood, foreign; videlicet,			
Timber 8 inches square and upwards, per load of 50 cubic feet		0	8 0
Timber and wood goods, the produce of the British possessions			Free.
Eau de Cologne, per flask (30 not containing more than one gallon)		0	0 4
Or per gallon		0	10 0
Liqueurs	per gallon	0	10 0
Goods, wares, and merchandise brought from the United Kingdom, and entitled to any bounty or drawback of Excise on exportation from thence, and not hereinbefore enumerated or charged with duty			Free.
Goods, wares, and merchandise the growth, produce, or manufacture of and brought from the United Kingdom, and not hereinbefore charged with duty			Free.
Goods, wares, and merchandise, not the growth, produce, or manufacture of the United Kingdom, but brought from thence, and having there been entered for consumption, and the import duties having been there paid thereon			Free.
Goods, wares, and merchandise imported or brought from any place from whence such goods may be lawfully imported into the Isle of Man, and not hereinbefore charged with duty, or declared to be free of duty, for every 100 <i>l</i> . of the value thereof		15	0 0

III. That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them from time to time, by any order or orders under their hands, to declare that all or any articles legally importable into the Isle of Man and not enumerated in the said table, and upon which the said duty of 15*l*. for every 100*l*. value is hereby imposed, shall and may, from and after a day to be named in the said order or orders, be imported from the places and in the manner in the said order or orders mentioned into the Isle of Man duty-free, and that such articles shall be imported duty-free accordingly so long as such order or orders or any part thereof affecting such articles shall continue in force: Provided always, that it shall be lawful for the said Commissioners, or any three or more of them, at any time and from time to time as they shall consider expedient, by any further order under their hands to revoke the whole or any part of such order or orders for admitting the aforesaid articles or any of them into the Isle of Man duty-free, such order of revocation to take effect from a day to be named therein: Provided also, that all orders of the Commissioners of Her Majesty's Treasury made in pursuance of this enactment shall be duly published in the *London and Dublin Gazettes*, twice at least within fourteen days from the date of such orders respectively, and that a copy of every such order shall be laid before both Houses of Parliament within six weeks after the date of such order if Parliament be then sitting, and if not then within six weeks after the commencement of the then next session of Parliament.

IV. That the several sorts of goods enumerated or described in the Schedule to this Act annexed, denominated "Schedule of Licence Goods," shall not be brought into the Isle of Man, nor laden on board any vessel to be carried from any place to the Isle of Man, without the licence of the Commissioners of Her Majesty's Customs first obtained, nor in greater quantities in the whole in any one year than the respective quantities of such goods specified in the said schedule, and that such goods shall not be so brought into the said Isle of Man, except from the respective places set forth in the said schedule, and according to the rules subjoined thereto: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, from time to time, upon sufficient cause to them appearing, by any order under their hands to permit the importation into the Isle of Man of such additional quantity of such several sorts of goods or any of them, in any one year, beyond the quantities named in the said table as they shall in their discretion consider expedient.



v. That every application for licence to import any of the goods aforesaid into the Isle of Man shall be made in writing, and delivered between the 5th of May and the 5th of July in each year to the collector or comptroller of the port of Douglas in the said isle; and such application shall specify the date thereof, and the name, residence, and occupation of the person applying, and the description and quantity of each article for which such licence is required; and all such applications, with such particulars, shall be entered in a book, to be kept at the custom house at the port of Douglas, and to be there open for public inspection during the hours of business, and on the 5th of July in each year such book shall be closed, and within fourteen days thereafter the collector and comptroller shall make out and sign a true copy of such entries, specifying the applicants resident and the applicants not resident in the said isle, and deliver or transmit such copy to the governor or lieutenant-governor of the said isle for the time being.

vi. That within fourteen days after the receipt of such copy the governor or lieutenant-governor of the said isle shall allot the whole quantity of each article in the first place among the applicants resident in the said island; and in case the whole quantity of any article shall not have been applied for by residents, he shall then allot the quantity not so applied for among the non-resident applicants, in such proportions in all cases as he shall judge most fair and equitable; and shall cause a report thereon to be drawn up in writing, and sign and transmit the same to the Commissioners of Her Majesty's Treasury, and shall cause a duplicate of such report so signed to be transmitted to the Commissioners of Her Majesty's Customs.

vii. That upon receipt of such duplicate report the Commissioners of Her Majesty's Customs shall grant licences, to continue in force for any period until the 5th of July then next ensuing, for the importation into the Isle of Man of the quantities of such goods as are allowed by law to be so imported, with their licence, according to the allotments in such report, and dividing the whole portion allotted to any one applicant into several licences, as they shall be desired and see fit; and such licences shall be transmitted without delay to the collector and comptroller of Douglas, to be by them delivered to the different applicants, after taking bond for the same under the provisions of this Act.

viii. That previous to the delivery of any such licences to the persons to whom they are granted, the collector and comptroller of Douglas shall take the bond of such persons to Her Majesty, her heirs and successors, with sufficient security for the importation or bringing in of the articles for which the said licences are respectively granted on or before the 5th of July succeeding the delivery of such licences, with such conditions, and for the forfeiture of such sums, not exceeding the whole amount of duties payable in Great Britain on articles similar to those specified in such licences, as the Commissioners of Her Majesty's Customs shall think fit: Provided always, that if any person to whom such licence shall be granted shall not have given such bond prior to the 5th of January next after the granting such licence, it shall be lawful for the governor or lieutenant governor of the said isle, if he shall see fit, to transfer any such licence to any other person who shall be desirous to take up the same, and willing and able to give such bond; and such transfer shall be notified by indorsement on the licence signed by such governor or lieutenant governor.

ix. That if any person, having obtained a licence under this Act, shall not import or bring into the said island the whole quantity of goods permitted to be imported or brought under such licence, during the period for which it shall remain in force, such person shall be thereby disqualified from receiving a licence in the year next following that in which his previous licence shall have been granted.

x. That if any person or persons shall counterfeit or falsify any licence or other document required for the importation into the Isle of Man of any goods which would otherwise be prohibited to be imported into the said isle, or shall knowingly or wilfully make use of any such licence or other document so counterfeited or falsified, such person or persons shall for every such offence forfeit the sum of 500*l*.

xi. That it shall not be lawful to re-export from the Isle of Man any goods which have been imported into the said isle with licence of the Commissioners of Her Majesty's Customs as aforesaid; and that it shall not be lawful to carry any such goods coastwise from one part of the said isle to another, except in vessels of fifty tons burden at the least, and in the same packages in which such goods were imported into the said isle; and that it shall not be lawful to remove any wine from one part of the said isle to another, except in such packages or in bottles.

xii. That all trade from any port of the United Kingdom to the Isle of Man, or from the Isle of Man to any port of the United Kingdom, shall be deemed to be a coasting trade, and all ships employed therein shall be deemed to be coasting ships, and shall be subject to all the rules, regulations, penalties, and forfeitures now in force relating to coasting ships, and that the Isle of Man shall not be deemed in law with reference to any part of the United Kingdom to be parts beyond the seas in any matter relating to the trade or navigation or revenue of this realm: Provided nevertheless, that all goods subject to duty under this Act, when brought from the United Kingdom into the Isle of Man, and all vessels bringing the same, shall be liable to the same rules and regulations as are required by law in respect of goods imported into the said isle from foreign parts, and in respect of the vessels importing the same; and that all the penalties and forfeitures inflicted by law for any breach of the said rules and regulations shall attach upon all goods so brought into the said isle contrary to the said rules and regulations, or any of them, and upon all persons committing any breach of any such rule or regulation; and such penalties and forfeitures shall and may be recovered in the same manner as any penalty or forfeiture may be recovered by any Act relating to the Customs.

And after reciting that an Act was passed in this present session of Parliament, intituled 'An Act for the warehousing of Goods': And that it is expedient to extend the operation of the said Act to the Isle of Man, so far as relates to the privilege of warehousing foreign corn, grain, meal, and flour;—

It is Enacted,

xiii. That it shall be lawful for the Commissioners of Her Majesty's Treasury, by their warrant, from time to time, to appoint any port or ports in the Isle of Man to be warehousing ports, for the purposes hereinafter declared, and that it shall be lawful for the Commissioners of Her Majesty's Customs, subject to the authority and directions of the Commissioners of

Her Majesty's Treasury, by their order from time to time to appoint in what warehouses or places of special security or of ordinary security, as the case may require, in such port or ports, and in what different parts or divisions of such warehouses or places, in what manner, any corn, grain, meal, or flour may and may only be warehoused and kept and secured, without payment of any duty upon the first entry thereof, and also in such order to direct in what cases (if any) security by bond shall be required in respect of any warehouse so appointed by them.

xv. That all provisions, powers, regulations, and enactments in the said last-mentioned Act contained shall be construed and taken to extend and be applicable to the Isle of Man, so far as relates to the articles of corn, grain, meal, and flour: Provided always, that whenever in the said last-mentioned Act any notice, order, or appointment is directed to be published in the *London* or *Dublin Gazettes* respectively, it shall be necessary that any such notice, order, or appointment in respect of any warehouse in the Isle of Man shall be published in the *London* and *Dublin Gazettes*.

xv. That goods warehoused in the United Kingdom may be removed from such warehouses into any port in the Isle of Man, under such security and under such regulations and conditions as are set forth in the said last-mentioned Act with respect to the removal of warehoused goods from one warehousing port to another warehousing port in the United Kingdom, save and except so far as the said last-mentioned regulations apply to the warehousing such goods at their port of destination.

xvi. That nothing herein contained shall be deemed or construed to affect the laws and regulations now in force respecting duties and drawbacks of Excise on goods exported or carried, or to be exported or carried, to the Isle of Man.

xvii. That any sugar upon which any bounty shall have been allowed under any Act relating to the Customs may be removed to the Isle of Man.

xviii. That before any such sugar shall be removed to the Isle of Man, the person removing the same shall give bond to Her Majesty with one sufficient surety that the same shall be duly landed in the Isle of Man, and shall not be re-landed in any part of the United Kingdom.

xix. That it shall not be lawful to carry any goods not being of the growth, produce, or manufacture of the Isle of Man or of the United Kingdom, except corn, grain, meal, or flour, in any ship from the Isle of Man to any port or place in the United Kingdom.

xx. That the several sorts of goods enumerated or described in the schedule hereinafter contained, denominated "Schedule of Prohibitions," shall not be imported or brought into the Isle of Man; (that is to say,)

#### SCHEDULE OF PROHIBITIONS.

Goods the produce or manufacture of places within the limits of the East India Company's Charter, except from the United Kingdom:

Cotton yarn, cotton cloth, linen cloth, glass manufactures, woollen manufactures, unless *bond fide* laden in and brought directly from the United Kingdom:

British distilled spirits:

Sugar or rum other than that enumerated and described in the table of duties hereinbefore contained:

All goods prohibited to be imported into the United Kingdom to be used or consumed therein on account of the sort or description of the same.

xxi. That if any goods shall be imported into or exported from the Isle of Man, or shall be carried coastwise from one part of the said Isle or from the United Kingdom to the said Isle, or from the said Isle to the United Kingdom, or shall be taken on board or brought to any wharf or place with intent to be waterborne, to be so exported or carried, or shall be removed by land within the said Isle, contrary to any of the directions or provisions of this Act, the same and all the packages containing the same shall be forfeited, together with all ships, vessels, or boats, and all cattle and carriages used or employed therein; and every person offending therein shall forfeit for every such offence the sum of 100*l.*, or the full amount of all duties which could be payable in respect of similar goods the produce of foreign countries if imported into and entered for home consumption in the United Kingdom, at the election of the Commissioners of Her Majesty's Customs.

xxii. That if any decked vessels, bound from the Isle of Man to any port of Great Britain or Ireland, shall have on board for the use of the seamen any spirits exceeding the quantity of half a gallon for each seaman, or any tobacco exceeding one pound weight for each seaman, or any tea exceeding two pounds weight for the whole of the seamen on board such vessel, or if any open boat, bound from the Isle of Man to any port of Great Britain or Ireland, shall have on board for the use of the seamen any spirits exceeding one quart for each seaman, or any tobacco exceeding one-half of a pound weight for each seaman, or any tea exceeding one pound weight for the whole of the seamen on board such boat, all such foreign spirits, tobacco, and tea, respectively, together with the casks or packages containing the same, and also every such vessel or boat, together with the guns, furniture, ammunition, tackle, and apparel thereof, shall be forfeited.

xxiii. That before any goods shall be shipped in the Isle of Man, to be carried to the United Kingdom as being the produce or manufacture of that island, proof shall be made by the written declaration of some competent person to the satisfaction of the collector and comptroller of the Customs, at the port of shipment, that such goods, describing and identifying the same, are the produce or the manufacture, as the case may be, of the said island, and in such declaration shall be stated the name of the person by whom such goods are intended to be shipped; and such person at the time of shipping (not being more than one month after the date of such declaration) shall make and subscribe a declaration before such collector or comptroller that the goods to be shipped are the same as are mentioned in such declaration; and thereupon the collector and comptroller shall, on demand, give to the master of the ship in which the goods are to be exported a certificate of such proof of produce or of manufacture having been made in respect of such goods, describing the same, and setting forth the name of the party and of the ship, and of the master thereof, and the destination of the goods; and such certificate shall be received at the port in the

United Kingdom into which the said goods shall be brought, instead of the certificate of the governor, Lieutenant-governor, or commander-in-chief of the said island, heretofore required.

xxiv. That the duties of Customs hereinbefore imposed shall be raised, levied, collected, paid, recovered, and accounted for under the authority and direction or under the management and controul of the Commissioners of Her Majesty's Customs; and, except the necessary charges of raising, collecting, levying, recovering, and accounting for the same, the said rates and duties shall from time to time (subject to the deductions hereinafter mentioned) be brought and paid into the receipt of Her Majesty's Exchequer, distinctly and apart from all other branches of the public revenue, and shall go to and make part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided always, that any of the collectors of Customs of the said isle shall retain, and he and they is and are hereby authorized and required, agreeably to such directions as shall from time to time be given for that purpose by the Commissioners of Her Majesty's Customs, to retain, such sum or sums of money in his or their hands as may be sufficient to defray the necessary expenses attending the government of the said Isle of Man, and the administration of justice there, and other charges incurred in the said isle, which have heretofore been or may hereafter be deemed fit and proper charges to be deducted from and paid out of the duties of Customs collected in the said Isle of Man; and upon the amount of the said expenses and charges being ascertained, the said Commissioners are hereby authorized to direct the same to be paid out of the said monies so retained to such person or persons as may be entitled to receive the same.

And after reciting that by an Act of the 54 Geo. 3, intituled, 'An Act to repeal the Duties granted by an Act passed in the Eleventh Year of His present Majesty, for repairing, amending, and supporting the several Harbours and Sea-ports in the Isle of Man, and for granting new Duties in lieu thereof, and for giving further Powers to the Commissioners appointed under the said Act,' certain harbour duties were imposed on ships and vessels, goods, wares, and merchandise, arriving at and imported into the said Isle of Man, and certain rates were also imposed on boats and vessels employed in the herring fishery on the coasts thereof: And that the said duties and rates have subsequently to the passing of the said last-mentioned Act been repealed;—

It is Enacted,

xxv. That the collectors of Customs of the said isle shall, out of the duties collected under this Act, pay to Her Majesty's Receiver General in the said Isle of Man, to be applied as hereinafter is mentioned, yearly and every year the sum of 2,300*l*, by four equal quarterly payments on the 1st of January, the 1st of April, the 1st of July, and the 1st of October, the first of such payments to be made on the 1st of October, 1845, and the same shall be applied by the said Harbour Commissioners to the same purposes to which the duties imposed by the said last-mentioned Act and since repealed would be lawfully applicable by the said Harbour Commissioners.

xxvi. That all vessels registered at any port in the said Isle of Man, and *bond fide* the property of inhabitants thereof, being so registered as of the burden of fifty tons, shall, with regard to coasting trade between the Isle of Man and the United Kingdom, be entitled to all the privileges to which vessels registered in the United Kingdom as of sixty tons burden are by law entitled.

xxvii. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

#### SCHEDULE to which the foregoing Act refers.

##### SCHEDULE OF LICENCE GOODS.

Spirits; (videlicet)			
Foreign Brandy	.	.	Gallons 20,000
— Geneva	.	.	Ditto 20,000
Liqueurs	.	.	Ditto 50
Eau de Cologne	.	.	Ditto 50
From the United Kingdom, or from any Place from which the same might be imported into the United Kingdom, for Consumption therein.			
Rum of the British Plantations	.	.	Gallons 70,000
Tobacco	.	.	Pounds 55,000
Segars	.	.	Ditto 5,000
From the United Kingdom.			

##### RULES REFERRED TO IN THIS ACT.

1. All such Goods to be imported or brought into the Port of Douglas, and by Her Majesty's Subjects and in British Ships or Vessels of the Burden of Fifty Tons or upwards.
2. Such Tobacco to be shipped only in Ports in the United Kingdom where Tobacco is allowed to be imported and warehoused without payment of Duty.
3. Such Rum, Brandy, and Geneva to be imported or brought in Casks containing not less than Twenty Gallons each.
4. That the respective Quantities of such Spirits shall be estimated according to the Strength of Proof by Syke's Hydrometer.

5. No Drawback of Excise to be allowed on any such goods until a Certificate of the due Landing of the Goods at the Port of Douglas be produced from the Collector and Comptroller of the Customs at that Port.

6. If any such Goods be laden at any Foreign Port or Place, the Species and Quantity of such Goods, with the Marks, Numbers, and Denominations of the Casks or Packages containing the same, shall be indorsed on the Licence, and signed by the British Consul at the Port of Lading, or if there be no British Consul, by Two known British Merchants.

7. Upon Importation into the Port of Douglas of any such Goods the Licence for the same shall be delivered up to the Collector or Comptroller of that Port.

## CAP. XCV.

AN ACT to exempt *Van Diemen's Land* from the Provisions of an Act, intituled *An Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies*.

(4th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Act not to take effect in the colony of Van Diemen's Land so long as felons are transported there.*
2. *Commencement of this Act.*
3. *Alteration of Act.*

By this Act,

After reciting the passing of 5 & 6 Vict. c. 36; and that the provisions of the said Act are inapplicable to those colonies to which felons and offenders may be transported by law from the United Kingdom of Great Britain and Ireland:—

It is Enacted,

I. That the said Act shall be suspended and of no force and effect in the colony of Van Diemen's Land, as such colony is now defined and limited, so long as the said colony shall continue to be a place to which felons and other offenders under sentence or order of transportation may be conveyed from the United Kingdom of Great Britain and Ireland, by direction of Her Majesty, given with the advice of Her Privy Council.

II. That this Act shall take effect and have the force of law in the said colony from and after a day to be specified by the governor of the said colonies in some proclamation to be issued by him for that purpose.

III. That this Act may be altered or amended during the present session of Parliament.

## CAP. XCVI.

AN ACT to restrict the Powers of selling or leasing Railways contained in certain Acts of Parliament relating to such Railways.

(4th August 1845.)

## ABSTRACT OF THE ENACTMENT.

*No railway company to grant or accept a lease or transfer of any railway unless under a distinct provision of an Act specifying the parties.*

By this Act,

After reciting that provisions have been introduced in various Acts of Parliament, during the present session of Parliament, relating to railways, giving to railway companies general powers of granting or accepting a lease, sale or transfer of their own other lines of railway; and it is expedient that such powers should be restrained:—

It is Enacted

That it shall not be lawful for the company of proprietors of any railway, by virtue of any powers contained in any Act passed in the present session, to make or grant, or for any other railway company or party, by virtue of any such powers, to accept a sale, lease, or other transfer of any railway, unless under the authority of a distinct provision in some Act of Parliament to that effect specifying by name the railway to be so leased, sold or transferred, and the company or party by whom such lease, sale, or transfer may be respectively made, granted or accepted.

## CAP. XCVII.

AN ACT to amend the Law respecting Testamentary Dispositions of Property in the Public Funds, and to authorize the Payment of Dividends on Letters of Attorney in certain Cases.

(4th August 1845.)

[See this Act printed at length in the Appendix, p. i.]

## CAP. XCVIII.—IRELAND.

AN ACT for facilitating the winding up the Affairs of Joint Stock Companies in *Ireland* unable to meet their pecuniary Engagements.

(4th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. If any incorporated commercial or trading company, or any other body of persons associated together for commercial or trading purposes, as herein described, shall commit any act which is hereby deemed an act of bankruptcy on the part of such company, a commission of bankruptcy may issue against the same, and be prosecuted in like manner as against other bankrupts, subject to the provisions hereinafter made.
2. Bankruptcy of company not to be construed to be the bankruptcy of any member individually.
3. Declaration of insolvency in pursuance of a resolution of the board of directors under the common seal of the company, or signed by the chairman, and attested by the solicitor of the company, and filed in the office of the Secretary of Bankrupts, to be an act of bankruptcy.
4. Company not paying, securing, or compounding for a judgment debt, upon which the plaintiff might sue out execution within fourteen days after notice requiring payment, an act of bankruptcy.
5. Company disobeying order of any court of equity, &c., for payment of money after service of order for payment on a peremptory day fixed, an act of bankruptcy.
6. Creditor filing an affidavit of debt in one of the superior courts, and issuing a writ thereon, if the company do not within a week pay, secure, or compound to the satisfaction of the creditor, or satisfy a Judge of their intention to defend on the merits, and enter an appearance to the action, an act of bankruptcy.
7. Assignees of the estate of a company may maintain action to recover a debt; and any person may claim under a commission against a company any debt due on the balance of accounts.
8. Member's share not to be set off against a demand which the assignees of the estate and effects of a company adjudged bankrupt may have against such member.
9. No action, &c. by a creditor of a company, so far as concerns his recourse against the person or property of any individual member, to affect his right to issue or prove under a commission against the company for any debt remaining unsatisfied; and a commission, or a proof or proceeding thereon, not to affect any action by a creditor, so far as concerns his recourse to the person or property of any individual member.
10. The law and practice in bankruptcy to extend, so far as applicable, to commissions under this Act.
11. The Commissioner may order the directors of a company adjudged bankrupt, &c. to prepare and file a balance sheet and accounts, and to make oath of the truth thereof; and the Commissioner may make allowance out of the estate for the preparation thereof.
12. Persons ordered by the Commissioner to prepare the balance sheet to be under the like obligation to surrender at the last examination under the commission, and to submit to be examined, &c., and to incur such danger or penalty for not conforming, &c. as is now provided against a bankrupt.
13. Persons ordered to prepare the balance sheet to have the same freedom from arrest, &c. as a bankrupt.
14. The Commissioner, before adjudication, may summon any person, whether a member of the company or not, to give evidence as to the trading and any act of bankruptcy; and after adjudication the Commissioner may summon and examine any person who is suspected to have property of the company in his possession, or to be indebted to the company, &c., and compel him to produce books, &c.
15. As to costs where a person summoned under a commission against a company was a member thereof.
16. Penalty on members (other than those who are ordered to prepare the balance sheet) and on other persons wilfully concealing the estate of the company, 100*l.*, and double the value of the estate concealed, and allowance to persons other than members of the company, for making discovery thereof.
17. The Commissioner, after adjudication, may order any treasurer, &c., or solicitor or agent of the bankrupt, to deliver to the official assignee, or to the Bank of Ireland, all monies and securities in his custody or power which he is not by law entitled to retain as against the bankrupt or his assignees.
18. If any person disobey any rule or order of the Commissioner duly made, the Commissioner to commit him to prison, there to remain until he conform, or until the Commissioner or Lord Chancellor shall otherwise order.
19. The Commissioner may direct the assignees of the estate of a company adjudged bankrupt to petition the Court of Chancery for directions for winding up the affairs of the company, upon which petition an order of reference may be made, and accounts taken, and upon the confirmation of the Master's report a receiver may be appointed.

20. *The Court of Chancery may make order in individual claims of members in respect of the transactions of the company.*
21. *The Lord Chancellor, with the advice and consent of the Master of the Rolls, to make rules and orders as to the form and mode of proceeding for settling and enforcing contribution to be made by members of company, and the practice to be observed by the Court of Chancery and the Masters in such proceeding.*
22. *The Act 41 Geo. 3. (U.K.) c. 90, to extend to decrees or orders made by the Court of Chancery in any suit under this Act.*
23. *Previous to passing the last examination the Commissioner shall inquire into the cause of the failure of a company, and after the last examination shall cause a copy of the balance sheet to be transmitted to the Board of Trade, and certify the cause of the failure, and any special circumstances, and annex a copy of any examinations deemed material.*
24. *After the Commissioner shall have certified to the Board of Trade the cause of the failure of such company, the Queen, upon the recommendation of the Board of Trade, may revoke and make void any privileges granted to the company, and determine the company.*
25. *After the Court shall have certified to the Board of Trade the cause of the failure of any company adjudged bankrupt, the Board may cause the papers to be laid before the Attorney General, who shall direct as to any proceedings thereon.*
26. *Until determination of company by the Crown, it shall be considered as subsisting for the original purposes, and notwithstanding such determination, shall be considered as subsisting so far as necessary for winding up.*
27. *Notwithstanding determination of company in any other manner, the same to be considered as subsisting so long as any matters remain unsettled.*
28. *Any member of a company adjudged bankrupt, with knowledge of or in contemplation of a bankruptcy, destroying or falsifying books &c. of the company, or making false entries, &c., guilty of a misdemeanour.*
29. *If joint stock company shall have establishments or carry on business in England and Ireland, it shall be deemed an English company if head office shall last have been in England, or an Irish company if head office shall last have been in Ireland.*
30. *Construction of the Act.*
  1. *Act to extend only to Ireland.*
  2. *Commencement of Act.*
  3. *Alteration of Act.*

#### By this Act,

After reciting that it is expedient to extend the remedies of creditors against the property of such joint stock companies or bodies as hereinafter mentioned when unable to meet their pecuniary engagements, and to facilitate the winding up of their concerns; and it may also be for the benefit of the public to make better provision for discovery of the abuses that may have attended the formation or management of the affairs of any such companies or bodies, and for ascertaining the causes of their failure:—

#### It is Enacted,

I. That if any commercial or trading company now or at any time hereafter incorporated by Charter or Act of Parliament, any company or body of persons now or at any time hereafter associated together for any commercial or trading purposes, and to which any privilege or privileges or power or powers shall, before or after the passing of this Act, have been granted, under the authority of 7 Will. 4. & 1 Vict. c. 74, intituled 'An Act for better enabling Her Majesty to confer certain powers and Immunities on trading and other Companies,' or by any Act of Parliament, or any commercial or trading company or body which by the said statute made and passed in the first year of the reign of Her present Majesty is to be considered as subsisting, and to be subject to the provisions of the said statute, in manner therein mentioned, or any company or body of persons now or at any time hereafter associated together for any commercial or trading purposes, and registered, either provisionally or completely, under the provisions of an Act, 7 & 8 Vict. c. 110, intituled 'An Act for the registration, Incorporation, and Regulation of Joint Stock Companies,' or any joint stock company now existing and comprehended within the definition therein contained of a joint stock company, shall commit any act which by this Act is deemed an act of bankruptcy on the part of any such company or body, a commission of bankruptcy may issue against such company or body by the name or style of the said company or body, upon the petition of any creditor or creditors of such company or body (whether a member or members of such company or body or not), to such amount as is now by law requisite to support a commission of bankruptcy; and the Commissioner authorized to act in the prosecution of such commission, and all persons acting under such commission, may proceed thereon in like manner as against other bankrupts, subject always to the provisions hereinafter made.

II. Provided and enacted, That the bankruptcy of any such company or body, in its corporate or associated capacity, (as the case may be,) shall not be construed to be the bankruptcy of any member of such company or body in his individual capacity.

III. That if any such company or body shall, by virtue of a resolution to be duly passed in that behalf at a board of directors of such company or body duly summoned for that purpose, file or cause to be filed in the office of the Lord Chancellor's Secretary of Bankrupts a declaration in writing, in the form specified in the Schedule (A.) No. 1. hereunto annexed, that the said company or body is unable to meet its engagements, and also a minute of such resolution in the form specified in the said Schedule (A.) No. 2, such declaration and minute of resolution respectively being under the common seal of such company or body, and if such company or body have no common seal then signed by the chairman of the board of directors who was present at the passing of such resolution, and in either case such declaration and minute of resolution being respectively attested by the attorney or solicitor of the said company or body for the time being, every such company or body shall be deemed thereby to have committed an act of bankruptcy at the time of filing such declaration, provided a commission of bankruptcy shall issue against such company or body within two calendar months from the filing of such declaration; and a copy of such declaration and minute of resolution respectively, purporting to be certified by the said secretary or his clerk as a true copy, shall be received as evidence of such declaration and minute of resolution respectively

having been filed by such company or body, and that upon such evidence being given, and upon proof by the attesting witness of the sealing or signature, as the case may be, of the said declaration and minute of resolution, no further evidence shall be required of the said act of bankruptcy.

iv. That if any plaintiff shall recover judgment in any action personal for the recovery of any debt or money demand in any of Her Majesty's courts of record, against any such company or body, or against any person duly authorized to be sued as the nominal defendant on behalf of such company or body, and shall be in a situation to sue out execution upon such judgment, and there be nothing due from such plaintiff by way of set-off, or which may be legally set off against such judgment, and such company or body shall not, within fourteen days after notice in writing served upon the said company or body, by service of the same on a chief clerk or secretary or registrar of the said company or body, or (if there be no officer of such denomination) on any director of the said company or body personally, or by the same having been left at the head office for the time being of such company or body, requiring immediate payment of such judgment debt, pay, secure, or compound for the same to the satisfaction of such plaintiff, such company or body shall be deemed to have committed an act of bankruptcy on the fifteenth day after service of such notice: Provided always, that if such execution shall in the meantime be suspended or restrained by any rule, order, or proceeding of any court of justice having jurisdiction in that behalf, no further proceeding shall be had on such notice, but that it shall be lawful, nevertheless, for such plaintiff, when he shall again be in a situation to sue out execution on such judgment, to proceed again by notice in manner before directed.

v. That if any decree or order shall be pronounced in any cause depending in any court of equity, or any order shall be made in any matter of bankruptcy or lunacy against any such company or body, or against any person duly authorized to be sued as the nominal defendant on behalf of such company or body, ordering any sum of money to be paid by such company or body, and such company or body shall disobey such decree or order, the same having been served upon such company or body by service of the same on a chief clerk or secretary or registrar of the said company or body, or (if there be no officer of such denomination) on any director of the said company or body personally, or by the same having been left at the head office for the time being of such company or body, the person entitled to receive such sum under such decree or order, or interested in enforcing the payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory day for the payment of such money, which shall accordingly be fixed by an order for that purpose; and if such company or body, being served in manner aforesaid with such last-mentioned order fourteen days before the day therein appointed for payment of such money, shall neglect to pay the same, such company or body shall be deemed to have committed an act of bankruptcy on the fifteenth day after the service of such order.

vi. That if any creditor or creditors of any such company or body to such amount as is now by law requisite to support a commission shall file an affidavit or affidavits in any of Her Majesty's superior courts of law at Dublin that such debt or debts is or are justly due to him or them respectively from the said company or body, and that such company or body, as he or they verily believe, is a commercial or trading company or body incorporated or associated as aforesaid (as the case may be), and shall sue out of the same court a writ against such incorporated company, or against any person duly authorized to be sued as the nominal defendant on behalf of such associated company or body, as the case may be, and serve a chief clerk or secretary or registrar of such incorporated or associated company or body, as the case may be, or (if there be no officer of such denomination) any director of the said company or body personally, with a copy of such writ, if such company or body shall not, within one calendar month after service of such copy, pay, secure, or compound for such debt or debts to the satisfaction of such creditor or creditors, or make it appear to the satisfaction of one of the Judges of the Court out of which such writ shall issue that it is the intention of such company to defend the action upon the merits, and within one calendar month next after service of such copy cause an appearance or appearances to be entered to such action or actions in the proper court or courts in which the same shall have been brought, every such company or body shall be deemed to have committed an act of bankruptcy from the time of the service of such copy.

vii. That it shall be lawful for the assignees of the estate and effects of any such company or body to maintain any action, suit, or other proceeding against any person or persons (whether a member or members of such company or body or not), to recover any debt or demand on behalf of the said company or body against such person or persons, and for any person or persons to prove or claim under the commission against such company or body such debt or demand as may be due to him or them (whether a member or members of such company or body or not) on the balance of accounts between him or them and the said company or body.

viii. Provided and enacted, That no claim or demand which any member of any such company or body may have in respect of his share of the capital or joint stock thereof, or of any dividends, interest, profits, or bonus payable or apportionable in respect of such share, shall be capable of being set off, either at law or in equity, against any demand which the assignees of the estate and effects of such company or body may have against such member on account of any other matter or thing whatsoever, but all proceedings in respect of such matter or thing may be carried on as if no claim or demand existed in respect of such capital or joint stock, or of any dividends, interest, profits, or bonus payable or apportionable in respect thereof.

ix. That no action, suit, or other proceeding by any creditor or creditors of any such company or body shall, so far as concerns or may be necessary for the recourse of such creditor or creditors against the person, property, or effects of any member or members thereof for the time being, or any former member or members thereof, be deemed to prejudice or in any manner affect the right of such creditor or creditors to sue out or prosecute a commission against such company or body, or his or their right to prove or claim, under any commission against such company or body, any debt or demand remaining unsatisfied; and that no such commission, or proof or proceeding thereunder, shall be deemed to prejudice or in any manner affect the right of any creditor or creditors of such company or body to institute or maintain any action, suit, or other proceeding, so far as concerns or may be necessary for the recourse of such creditor or creditors against the person, property, or effects of any member or members thereof for the time being, or any former member or members thereof: Provided always

that nothing herein contained shall prevent remedy against copartners; provided also, that no execution in respect of any debt or demand proveable under the commission against any such company or body adjudged bankrupt shall be issued against the person, property, or effects of any member or members for the time being of such company or body, or any former member or members thereof, until after such debt or demand shall have been proved under such commission, nor shall any such execution be issued, after the appointment of a receiver in manner hereinafter mentioned, without leave of the High Court of Chancery.

x. That the law and practice in Bankruptcy now in force in Ireland shall extend, so far as the same may be applicable, to this Act, and to commissions in Bankruptcy issued by virtue of this Act, and to all proceedings under such commissions, save and except as may be otherwise directed by this Act.

xi. That it shall be lawful for the Commissioner authorized to act in the prosecution of a commission of bankruptcy against any such company or body, at any time after the advertisement of the bankruptcy in the *Dublin Gazette*, to order that the persons who were at the date of such commission directors of such company or body, or such of them as such Commissioner in his discretion shall think fit, or if there be no directors then such members of the company as such Commissioner in his discretion shall think fit, shall prepare such balance sheet and accounts, and in such form as such Commissioner shall direct, and shall subscribe such balance sheet and accounts, and file the same in such court, and deliver a copy thereof to the assignee ten days at least before the last examination under such commission; and such balance sheet and accounts, before such last examination, may be amended from time to time as occasion shall require and such Commissioner shall direct; and such persons shall make oath of the truth of such balance sheet and accounts whenever they shall be duly required so to do; and such Commissioner may from time to time make such allowance out of the estate of such company or body for the preparation of such balance sheet and accounts, and to such person or persons as such Commissioner shall think fit.

xii. That every such person ordered as aforesaid to prepare such balance sheet and accounts shall be under the like obligation to surrender to the Commissioner authorized to act in the prosecution of such commission, at the hour and upon the day allowed for finishing the last examination under such commission, and to sign and subscribe such surrender, and to submit to be examined before such Commissioner from time to time upon oath, and to make a full and true discovery of the estate and effects of such company or body, and shall incur such damage or penalty for not surrendering, or for not signing or subscribing such surrender, or for not coming before the Commissioner, or for refusing to be sworn and examined, or for not fully answering to the satisfaction of the Commissioner, or for refusing to sign or subscribe his examination, or for not delivering up at the last examination under such commission all such part of the estate of such company or body, and all books, papers, and writings relating thereunto, as shall be in his possession, custody, or power, or for removing, concealing, or embezzling any part of such estate to the value of 10*l.*, or upwards, or any books of account, papers, or writings relating thereto, with intent to defraud the creditors of such company or body, as is now by the law in force concerning bankrupts provided as to a bankrupt for not conforming to the like requisitions for the discovery of and in relation to the estate and effects of such bankrupt.

xiii. That every such person so ordered as aforesaid to prepare such balance sheet and accounts shall have such freedom from arrest and imprisonment in coming to surrender to such commission, and such discharge if arrested in coming to surrender, as a bankrupt now has or may have under a commission of bankruptcy against him; and such person or persons, if in prison, may be brought before such Court by warrant in like manner as such bankrupt now may.

xiv. That it shall be lawful for the Commissioner authorized to act in the prosecution of a commission of bankruptcy issued against any such company or body, before adjudication, to summon before such Commissioner any person (whether a member of such company or body or not) whom such Commissioner shall believe capable of giving any information concerning the commercial dealings or trading of, or any act or acts of bankruptcy within the meaning of this Act committed by, such company or body, and also to require such person so summoned to produce any books, papers, deeds, writings, and other documents in the custody, possession or power of such person which may appear to such Commissioner to be necessary to establish such dealings, trading, or act or acts of bankruptcy; and it shall be lawful for such Commissioner to examine every such person upon oath, by word of mouth or interrogatories in writing, concerning the dealings or trade of, or any act or acts of bankruptcy within the meaning of this Act committed by, such company or body; and it shall also be lawful for such Commissioner, after adjudication, to summon before him any person (whether a member of such company or body or not) known or suspected to have any of the estate of such company or body in his possession, or who is supposed to be indebted to such estate, or any person (whether a member of such company or body or not) whom such Commissioner believes capable of giving information concerning any person or persons who was or were a member or members of such company or body at or before the date of the commission, or concerning the trade, dealings, or estate of such company or body, or concerning any act or acts of bankruptcy within the meaning of this Act committed by such company or body, or any information material to the full disclosure of the dealings of such company or body; and it shall be lawful for such Commissioner to examine in manner aforesaid every such person so summoned concerning the person of any such member, or concerning the trade, dealings, or estate of such company or body, and also to require every such person so summoned to produce any books, papers, deeds, writings, or other documents in his custody, possession, or power which may appear to such Commissioner necessary to the verification of the deposition of such person, or to the full disclosure of any of the matters which such Commissioner is authorized to inquire into; and every such person so summoned shall incur such larger or penalty for not coming before the Commissioner, or for refusing to be sworn and examined, or for not fully answering to the satisfaction of such Commissioner, or for refusing to sign or subscribe his examination, or for refusing to produce or for not producing any such book, paper, deed, writing, or document, as is now provided against persons summoned to be examined under a commission of bankruptcy.

xv. That where any person who, at or before the date of a commission of bankruptcy issued against any such company or body, was a member of such company or body, shall be summoned to attend before the Commissioner authorized to act



in the prosecution of such commission, every such person shall have such costs and charges only (if any) as such Commissioner in his discretion shall think fit.

xvi. That if any person who, at or before the date of the commission against any such company or body, was a member of such company or body, but not being a person so ordered as aforesaid to prepare such balance sheet and accounts, or if any other person shall wilfully conceal any real or personal estate of any such company or body, and shall not within thirty days after the issuing of the commission against such company or body discover such estate to the Commissioner authorized to act in the prosecution of such commission, or to the assignees, every such person shall forfeit the sum of 100*l*., and double the value of the estate so concealed; and any person, other than a person having been a member of such company or body, who shall after the time allowed for finishing the last examination under such commission, voluntarily discover to such Commissioner or the assignees any part of the estate of such company or body not before come to the knowledge of the assignees, shall be allowed 5*l*. per centum thereupon, and such further reward as the major part in value of the creditors present at any meeting called for that purpose shall think fit, to be paid out of the estate recovered on such discovery.

xvii. That, after the adjudication of bankruptcy under any commission already issued or hereafter to be issued shall have been advertised in the *Dublin Gazette*, it shall be lawful for the Commissioner authorized to act in the prosecution of such commission to order any treasurer or other officer, or any attorney or solicitor or other agent of the company or body, or person or persons, adjudged bankrupt under such commission, to pay and deliver over to the assignee appointed under such commission, or to the Bank of Ireland or any of the branches thereof, according to the rules now or hereafter in force with respect to payments into the Bank of Ireland of monies due to any bankrupt's estate, all monies or securities for money in his custody, possession, or power as such officer or agent, and which he is not by law entitled to retain as against the bankrupt or bankrupts, or his or their assignees.

xviii. Declared and enacted, That if any person shall disobey any rule or order of the Commissioner of Bankruptcy authorized to act in the prosecution of any commission of bankruptcy duly made by such Commissioner for enforcing any of the purposes and provisions of this Act, or of any other Act relating to bankruptcy or insolvency now or hereafter to be in force, or made or entered into by consent of such person for carrying into effect any of such purposes or provisions, it shall and may be lawful for such Commissioner, by warrant under hand and seal, to commit the person so offending to the Queen's Prison, or to the common gaol of any county, city, or place where he shall be found or where he shall usually reside, there to remain without bail or mainprize until such person shall have fulfilled the duty required by such rule or order, or until such Commissioner or the Lord Chancellor shall make order to the contrary.

xix. That it shall be lawful for the Commissioner authorized to act in the prosecution of any such commission of Bankruptcy to direct the creditors' assignees of the estate and effects of any such company or body to apply to the High Court of Chancery, by petition in a summary way to the Lord Chancellor or the Master of the Rolls, praying that all such orders and directions may be given as shall be necessary for the final winding up and settling the affairs of such company or body, and to compel a just contribution from all the members of such company or body towards the full payment of all the debts and liabilities of such company or body, and of the costs of winding up and finally settling the affairs of such company or body; and that upon the hearing of such petition it shall be lawful for the said High Court of Chancery to refer it to one of the Masters of the High Court of Chancery to take all such accounts and make all such inquiries as shall be required, for the purpose of ascertaining what sum of money in the whole, and what sums of money as proportionate parts of the whole, or what sum or sums of money from time to time on account, will (having regard to the deed of settlement of such company, and the calls, contributions, debts, or demands actually paid by the several and respective members thereof, and also having regard to any proceedings before the Commissioner of Bankruptcy,) be necessary and proper to be raised, by calls or contributions from the respective members of such company or body, for the payment and satisfaction of all the debts and liabilities of such company or body, and also of all the costs of winding up and settling the affairs of the said company; and that the High Court of Chancery, upon confirmation of the Master's report made upon any such reference, or upon making such reference, or otherwise, may order the payment of the several and respective sums of money which by such report are found necessary and proper to be paid, and may refer it to the Master to appoint a receiver to collect and receive such sums of money, and either to pay the same into the Bank of Ireland, in the name and to the account of the Accountant General of the High Court of Chancery, to the credit of such company or body, and may, upon the petition of such assignees, order such sums of money to be paid in or towards satisfaction of the debts which by the proceedings in bankruptcy shall have been found to be due to the creditors of such company or body, and all persons having claims and demands thereon, and also in satisfaction of costs, or may order such receiver to pay such sums of money in satisfaction of such debts, claims, and demands, and costs, in the first instance.

xx. That if it shall appear that any individual members of such company or body have claims against each other in respect of the affairs or transactions of such company or body, it shall be lawful for the Court of Chancery, upon the petition of any member of such company or body, alleging that he hath any such claim against any other member of the said company or body, to make all such orders as shall be just for the purpose of finally settling and determining such claim, and may order the payment of such sum of money (if any) as shall appear to be due in respect of any such claim.

And after reciting that the law is defective in the means of making the members of joint stock companies contributaries for paying their debts in full, and in the means of giving relief where execution may have been had in respect of a debt due from any such company against one or a very few members of such company, and also in the means of adjusting the rights of the members of any such company amongst themselves, and finally winding up the affairs of such company;—

It is Enacted,

xxi. That it shall be lawful for the Lord Chancellor, with the advice and consent of the Master of the Rolls, from time to time, and as often as circumstances shall require, to make and prescribe such rules and orders touching and concerning the form and mode of proceeding to be had and taken in the Court of Chancery for settling and enforcing the contribution

to be paid by any member or members for the time being of any such company, or any former member or members thereof, or any real or personal representative, or other persons liable in that behalf, and the practice to be observed by such Court in or relating to such proceeding, or any matters incident thereto, and the form and mode of proceeding to be had and taken before any one of the Masters of the said court, primarily or by reference from the said court, in any matter for or relating to contribution, as shall from time to time seem necessary and proper for the advancement of justice in such cases, and for adjusting and determining the rights and equities of the parties concerned, and for suing for and getting in the assets, and for ascertaining and discharging the liabilities of such companies, and requiring the creditors thereof to claim their debts, and finally winding up the affairs thereof, with as little delay, expense, and uncertainty as possible: Provided always, that such rules and orders shall be laid before both Houses of Parliament within one month from the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within one month from the commencement of the then next session of Parliament; and every rule and order so made shall be binding and obligatory and be of like force and effect as if the provisions contained therein had been expressly enacted by Parliament.

XXII. That an Act, 41 Geo. 3. (U.K.) c. 90, intituled, 'An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in right of the Crown of the United Kingdom of Great Britain and Ireland, and for the better Administration of Justice within the same,' shall extend to decrees or orders made by the said Court of Chancery in any suit, proceeding, or matter under or by virtue of this Act.

XXIII. That, previous to passing the last examination under a commission against any such company or body adjudged bankrupt, it shall be the duty of the Commissioner authorized to act in the prosecution of such commission, to inquire, by the examination of such person or persons as such Commissioner shall think fit, into the cause of the failure of such company or body; and after the passing of such last examination, or after the time allowed by such Court for that purpose shall have elapsed, such Court shall cause a copy of the balance sheet filed in the court under such commission to be transmitted to the Committee of Privy Council for Trade and Plantations, and such Commissioner shall at the same time certify in writing to the said committee what, in the opinion of such Commissioner, was the cause of the failure of such company or body, and shall have liberty to state any special circumstances relating to the formation or management of the affairs of such company or body, and shall cause to be annexed to such certificate a copy of the examination of any person or persons taken under such commission, and which such Commissioner shall deem material, relating to the formation or management of the affairs of such company or body.

XXIV. That after the Commissioner shall have certified to the Committee of Privy Council for Trade and Plantations the cause of the failure of any such company or body adjudged bankrupt, it shall and may be lawful for Her Majesty, her heirs and successors, upon the recommendation of the said Committee, by any instrument in writing under her or their great seal of Ireland, to signify her or their pleasure for revoking and making void, and thereby to revoke and make void, all the powers, privileges, and advantages at any time by any charter or letters patent or Act of Parliament granted to such company or body, and to determine the same, and thereupon the said powers, privileges and advantages shall accordingly be revoked, and the same company or body shall be determined, without any inquisition, *scire facias*, or any matter or thing to make void or determine the same, anything in such charter or letters patent or Act of Parliament contained to the contrary notwithstanding.

XXV. That after the Commissioner shall have certified to the Committee of Privy Council for Trade and Plantations the cause of the failure of any such company or body adjudged bankrupt, the said Committee may, whenever it shall think fit, cause all the papers relating to such failure, and to the formation and management of such company or body, and to the conduct of any of the directors or other officers of the said company or body therein, or to any or either of such matters, to be laid before Her Majesty's Attorney General for Ireland, who shall direct whether any and what proceedings shall be taken thereupon against any person who was a director or other officer of such company or body, or any other person; and any prosecution or other proceeding which shall be thereupon directed by the Attorney General for Ireland shall be conducted by under the direction of the Commissioners of Her Majesty's Treasury.

XXVI. Provided and enacted, That, until the determination of such company or body by Her Majesty, her heirs, or successors, such company or body, and the persons who were officers thereof at the time of such determination, shall respectively be considered as subsisting, and as continuing such officers as aforesaid, for all the purposes for which the same as originally constituted, and that, notwithstanding such determination as aforesaid, the same shall be considered as subsisting and continuing respectively so long and so far as may be necessary for the winding up of the concerns of such company or body under the commission issued against such company or body.

XXVII. That, notwithstanding the determination of any company or body incorporated or associated within the meaning of this Act, as the case may be, by any other means than as last aforesaid, such company or body, and the persons who were officers thereof at the time of such determination, shall respectively be considered as subsisting and as continuing such officers as aforesaid, for all the purposes of this Act, so long and so far as any matters relating to such company or body shall remain unsettled.

XXVIII. That if any person, being a member of any such company or body which shall be adjudged bankrupt shall, after and with knowledge of an act of bankruptcy within the meaning of this Act committed by such company or body, or in contemplation of the bankruptcy of such company or body, have destroyed, altered, mutilated, or falsified any of the books, papers, writings, or securities of such company or body, or made or been privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud the creditors of such company or body, or to defeat the effect of this or any other statute relating to bankrupts, every such person shall be deemed to be guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned in any common gaol or house of correction for any term not exceeding three years, with or without hard labour.

And after reciting that an Act was passed in the last session of Parliament, intituled, 'An Act for facilitating the winding up of Joint Stock Companies unable to meet their pecuniary Engagements,' the provisions whereof are applicable to companies carrying on business in England: and that several joint stock companies already have and other joint stock companies may hereafter have establishments, and have carried on or may carry on business, both in England and Ireland;—

It is Enacted,

XXIX. That in all cases in which any such joint stock company as in this Act and the said recited Act respectively is specified, and made subject to the provisions thereof, shall have had or hereafter shall have an establishment or establishments, or shall have carried on, or hereafter shall carry on business, both in England and Ireland, if the head office of such company be or shall last have been in England such company shall be deemed to be an English company, and within and subject to the provisions of the said recited Act, and not of this Act, and if the head office be or shall last have been in Ireland such company shall be deemed to be an Irish company, and within and subject to the provisions of this Act, and not of the said recited Act,

XXX. That in construing this Act all powers given or duties directed to be performed by the Lord Chancellor may be performed by the Lord Keeper or Lords Commissioners of the Great Seal of Ireland; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and bodies corporate as well as individuals; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; unless (in the cases above specified) a different construction shall be provided, or the construction be repugnant to the subject matter or context.

XXXI. That this Act shall extend only to Ireland, except where there is any special provision to the contrary.

XXXII. That this Act shall commence and take effect on the 1st of November next.

XXXIII. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

### SCHEDULES to which the foregoing Act refers.

#### SCHEDULE (A.)

##### No. 1.

*Declaration of Insolvency by incorporated or associated commercial or trading Company.*

By virtue of a Resolution duly passed in that Behalf on the \_\_\_\_\_ Day of \_\_\_\_\_ at a Board of Directors of [here state the Name or Style of the Company], duly summoned for that Purpose, it is hereby declared, that the said Company [or Society, &c., as the case may be,] is unable to meet its Engagements.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_

[Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.

Witness  
[or Solicitor] of the said Company, and attesting Witness to the Execution hereof as such Attorney  
[or Solicitor].

#### SCHEDULE (A.)

##### No. 2.

*Minute of Resolution of a Board of Directors of incorporated or associated commercial or trading Company, authorizing a Declaration of Insolvency.*

A Resolution was duly passed on the \_\_\_\_\_ Day of \_\_\_\_\_ at a Board of Directors of [here state the Name or Style of the Company], duly summoned for that purpose, that the said Company was then unable to meet its Engagements, and that a Declaration of Insolvency should be forthwith filed in the Office of the Lord Chancellor's Secretary of Bankrupts, in the Form directed by the Statute in that Case made and provided.

[Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.

Witness  
[or Solicitor] of the said Company, and attesting Witness to the Execution hereof as such Attorney  
[or Solicitor].

## CAP. XCIX.

AN ACT to amend an Act of the Tenth Year of His late Majesty King *George* the Fourth, for consolidating and amending the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; and for other Purposes relating to the said Land Revenue.

(4th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. Commissioners of Woods, &c. may demise or lease any portion of the shore of the sea or navigable rivers or lands derelict or gained from the sea, or hereafter to become so, for any term not exceeding ninety-nine years, where lessee shall covenant to embark or to construct docks, &c. thereon.
2. When any persons have erected buildings on Crown lands in ignorance of title of the Crown, Commissioners to grant such leases as by recited Acts is provided with reference only to value of land as building ground.
3. Leases heretofore granted of ground intended to be applied for building purposes, reserving different rents for different portions of the term, instead of one uniform rent, confirmed.
4. Commissioners, in future exercise of powers given of granting leases for ninety-nine years, to reserve either one uniform rent, or separate rents for separate parts of the term.
5. Where any licence or waiver of forfeiture reserved in any lease of the land revenues of the Crown shall be given by the Commissioners, such licence, &c. shall extend only to the breach of the particular covenant, and not prevent proceeding for subsequent breach.
6. Commissioners may accept a surrender of any lease, and grant separate leases of the hereditaments so surrendered, and apportion the rent reserved by the surrendered lease.
7. And whenever a surrender shall be made for the purpose of taking a new lease, the new lease shall be taken to be a renewal of the surrendered lease.
8. Commissioners may relieve tenants from forfeiture by reason of non-compliance with their covenants to insure buildings in names of the Commissioners for the time being; and may designate in writing any persons in whose names such insurance is to be made instead of the names of the Commissioners;—or any such insurance may be made in name of Commissioners of Woods, &c. as if they were a corporation, or jointly in such name and the names of any other persons;—and such an insurance shall be deemed a compliance with the covenant.
9. Where a tenant of Crown lands has transferred or may hereafter transfer any stock for redemption or purchase of land tax on such lands in ignorance of the exception in 38 Geo. 3, the Commissioners may transfer to such tenant so much stock as shall be a compensation for the stock transferred by such tenant.
10. Such parts of an estate near Millbank, Westminster, now vested in Her Majesty, as have not been required for purposes of the Penitentiary to be under the management of Commissioners of Woods, &c. as part of the land revenues of the Crown;—and grants, &c. already made confirmed.
11. Commissioners of Woods, &c. empowered to purchase the Grapes tavern at Kensington for the purpose of improvements.
12. Powers in 10 Geo. 4. c. 50. (as far as applicable) to extend to the said premises.
13. All monies paid by the Commissioners for said premises, and for purchase of houses in High Street, Kensington, described in schedule to 5 & 6 Vict. c. 19, and costs of forming roads, &c. to be recouped to Commissioners before any surplus shall be applicable for purposes of that Act.

## By this Act,

After reciting that by 10 Geo. 4. c. 50, it was (amongst other things) enacted, that it should be lawful for the Commissioners or the time being of His Majesty's Woods, Forests, and Land Revenues, as therein is mentioned, from time to time to demise or lease, or to enter into any contract or agreement for demising and leasing, any part or parts of the possessions and land revenues of the Crown to which the now reciting Act related, to any person or persons, or body or bodies politic, corporate, or collegiate, for any term not exceeding ninety-nine years from the time of making such lease or agreement; (that is to say,) amongst other hereditaments, of land or ground proper for the erection of any houses or other buildings thereupon, with or without gardens, yards, curtilages, and other appurtenances to be used therewith, and where the lessee or intended lessee should covenant or agree to erect a building or buildings thereon of greater yearly value than such land or ground; and it was further enacted, that in every lease to be granted under the power thereinbefore given there should be reserved and made payable, during the whole of the term thereby granted, such clear yearly rent as to the said Commissioners for the time being of His Majesty's Woods, Forests, and Land Revenues should appear a reasonable rent or consideration for such lease, without asking any fine for the same, except as thereinbefore mentioned; and it was further enacted, that in any lease to be granted, under any of the powers thereinbefore given, of any land or ground, tenements or hereditaments, where, at the time of granting such lease, (or, if such lease should be granted in pursuance of a previous agreement, at the time when such agreement should have been made,) there should not be any substantial building or buildings upon the land or ground to be demised, and the lessee or lessees should agree to erect on such land or ground any building or buildings of greater yearly value than the land ground demised or agreed to be demised, it should be lawful to reserve, during any period not exceeding the first three years of the term thereby granted, a nominal rent or such other rent only as to the said Commissioners for the time being of His Majesty's Woods, Forests, and Land Revenues should seem fit; and it was also further enacted, that before the making or entering into any agreement for making any lease by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, under the powers thereinbefore contained, a survey of the part or parts of the possessions and land revenues of the

Crown proposed to be leased, where the same should be capable of such survey, and an estimate of the value thereof, should be taken and made as in the said Act is mentioned: And that by 2 & 3 Will. 4. c. 1, it was enacted, that the persons to be appointed as therein mentioned, and their successors, should be called "The Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings," and that all Acts of Parliament, deeds, bonds, contracts, agreements, and other instruments in which the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Works and Public Buildings, were named or mentioned, should apply to the Commissioners for the time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, so to be appointed as therein mentioned, as if such last-mentioned Commissioners had been originally named and made parties to such Acts of Parliament, deeds, bonds, contracts, agreements, and other instruments, instead of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and the Surveyor General of His Majesty's Works and Public Buildings: And that an Act was passed, 3 & 4 Will. 4. c. 69, intitled, 'An Act to extend and enlarge the powers of the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings in relation to the Management and Disposition of the Land Revenue of the Crown in Scotland: And that it is expedient that the said powers of leasing contained in the said recited Acts should be altered and extended:—

It is Enacted,

I. That from and after the passing of this Act, in the execution of the powers of leasing or agreeing to lease in the said recited Acts contained of any land or ground by the said Acts authorized to be leased for any term not exceeding ninety-nine years, it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for the time being, to demise or lease, or to enter into any contract or agreement for demising and leasing, all the estate, right, title, and interest of Her Majesty, her heirs and successors, in right of her Crown, of and in any portions of the shore of the sea or any arms thereof, or of navigable rivers or lands, derelict or gained, or which may hereafter become derelict or be gained, from the sea or any arms thereof, or navigable rivers, as by the said recited Acts is provided with regard to land or ground thereby authorized to be leased for any term not exceeding ninety-nine years as aforesaid, except that when the lessee or lessees shall covenant and agree to make any embankments, or do other acts, in the opinion of the said Commissioners necessary or expedient for the reclaiming any such land, or to construct or erect wharfs, docks, or other works thereon, or on any part thereof, to the satisfaction of the said Commissioners and for the permanent improvement of the value of the said land, it shall not be necessary that such lessee or lessees should agree or enter into any contract to erect on such land, or any part thereof, any building or buildings, other than and except as aforesaid.

II. That when any leases shall be granted or agreements entered into after the passing of this Act, in pursuance of the powers in the said recited Acts or this Act contained, of any land or ground, and whereon or on any part whereof any person or persons to whom any such leases may be granted, or with whom any such agreements may be entered into, may have erected any building which in the opinion of the said Commissioners were erected in ignorance of the Crown's title to such land, then such leases may be granted or agreements entered into in all respects as by the said recited Acts is provided, but without reference to or taking into consideration the value of the buildings so erected, and with reference only to the value of the land for building ground, either at the time of the erection of such buildings, or at the time of granting the said lease, or of entering into the said agreement, as the said Commissioners may think fit.

And after reciting that in the execution of the powers of granting leases in the said first recited Act contained, leases have from time to time been granted of certain parcels of ground intended to be applied for building purposes, and by reason that the ultimate value could only be ascertained and realized after a long period, instead of one uniform rent having been reserved in respect thereof during the whole term of the lease so granted as aforesaid, different rents for different portions of the term for which such leases were granted have been reserved therefore, as being the most beneficial mode of disposing of such ground for building purposes; and inasmuch as doubts may be entertained as to the validity of such leases, by reason of such varying amount in the rents reserved, instead of one uniform rent during the term granted, it is expedient that such doubts should be removed;—

It is Enacted,

III. That all such leases so granted as aforesaid, so far as regards any doubts which may arise with respect to any such reservation of rent as aforesaid, shall be as from the making thereof absolutely confirmed, and shall be taken to have been made within the powers of the said first-mentioned Act contained, anything therein to the contrary notwithstanding.

IV. That from and after the passing of this Act, in the exercise of the powers in the said first-recited Act or in this Act contained with regard to ground authorized to be let or agreed to be let for any term not exceeding ninety-nine years for building purposes, where the lessee or lessees shall agree to erect buildings thereon, or otherwise, as hereinbefore mentioned, or on any part thereof, the said Commissioners may, if they shall think fit, either reserve one uniform rent in respect thereof, or may reserve separate rents for separate parts of the term demised or agreed to be demised, varying in such manner as may be determined on by the said Commissioners for the time being, instead of one uniform rent during the said term; and all and every the leases or agreements for leases by the said Act or this Act authorized to be granted or entered into shall in all respects be made and entered into in the manner and subject in all respects as by the said first-recited Act is provided except as far as the terms and provisions of the said first-recited Act, as to the granting and making such leases and agreements as aforesaid, are hereby altered or extended.

V. That where any licence or waiver of any forfeiture or power of re-entry reserved in any lease heretofore granted or to be granted of the possessions or land revenues of the Crown shall at any time after the passing of this Act be given by the said Commissioners or any two of them, (which they are hereby authorized to do, by any memorandum in writing, without stamp), every such licence or waiver shall, unless otherwise expressed, only extend to the actual breach of the particular covenant or condition in respect of which the same is given, or to any specific breach of any proviso or covenant made or to be made, but not so as to prevent any proceeding for any subsequent breach or omission (unless otherwise specified in such licence), or to the actual assignment, under-lease, or other matter thereby specifically authorized to be done; and all rights under covenants and powers of forfeiture and re-entry in the lease contained shall remain in full force and virtue, and shall

be available as against any subsequent breach of covenant or condition, assignment, under-lease, or other matter not specifically authorized or made dispensable by such licence or waiver, in the same manner as if no such licence or waiver had been given; and the condition or right of re-entry shall be and remain in all respects as if such licence or waiver had not been given, except in respect of the particular matter waived or authorized to be done or omitted.

vi. That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the time being, in the execution of the powers contained in the said Act, 10 Geo. 4. c. 50, to accept a surrender of any lease of any of the possessions or land revenues of the Crown, and to grant separate leases of the hereditaments so surrendered, for the residue of the term for which such surrendered hereditaments were held, and to apportion the rent reserved in or by any such surrendered lease, as they shall think fit; and any leases which may heretofore have been made on any such surrender as aforesaid, and which might have been made if this Act had passed, are (so far as relates to any question as to the validity of any such surrender and regrant) hereby confirmed.

vii. That whenever a surrender shall be made of any existing lease, for the purpose of taking a new lease or leases by virtue of this Act, the new lease or leases shall be taken to be a renewal of the surrendered lease, within the scope and meaning of sect. 6. of an Act, 4 Geo. 2, intitled 'An Act for the more effectual preventing Frauds committed by Tenants, and for the more easy Recovery of Rents and Renewal of Leases,' so far as to render unnecessary the surrender of any under-leases previously to the granting of such new lease or leases, and to give full effect to such new lease in all respects, notwithstanding any under-lease or under-leases may not be surrendered.

And after reciting that in many of the leases of Crown lands there is contained a covenant on the part of the lessee to insure the buildings therein against fire in the names of the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and in many cases such covenants have not been strictly observed, by reason of the changes of the said Commissioners, or otherwise; and it is expedient that the lessees should be relieved from the forfeiture incurred by such non-observance of covenants, and that some provision should be made for facilitating the due observance thereof in future;—

#### It is Enacted,

viii. That where in any lease heretofore made, or which shall at any time hereafter be made, in pursuance of the powers in the said Act of the 10 Geo. 4. c. 50, or in this Act contained, there shall be contained a covenant on the part of the lessee to insure against fire the buildings erected, or the hereditaments therein comprised, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the time being, or any two of them, at their discretion, to release by licence or waiver, as hereinbefore is provided, the tenant or lessee from any such covenant, where default has been made in the same or not, or for any particular breach thereof; and where any such insurance is covenanted to be made in the names of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the time being, or in the joint names of the same Commissioners and any other person or persons, or otherwise, it shall be lawful for the said Commissioners for the time being, or any two of them, at their discretion, to designate in writing any person or persons in whose name or names such insurance is to be made in lieu of the names of the said Commissioners for the time being; and the name or names of such person or persons shall be in all respects equivalent to the names of the said Commissioners for the time being, for the purposes of any such insurance and covenant, and shall so continue until such designation as aforesaid shall be revoked in writing, and a new person or persons appointed for the purposes aforesaid by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the time being, or any two of them; any such insurance may be made in the name of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as if they were a corporation, or jointly in such name and in the name or names of any other person or persons; and the Commissioners aforesaid, from time to time, by the name of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, alone or jointly with any other person or persons, as the case may be, shall re and recover and receive under any policy so effected as aforesaid, in all respects by such name as aforesaid, and as if they were incorporated by such name; and any insurance made in the name or names of the person or persons so nominated as aforesaid either solely or jointly with any other person or persons (as the case may be), or in the name of the said Commissioners as aforesaid, and either jointly or solely as aforesaid, and as the said Commissioners for the time being, or any two of them, shall direct, shall be and be deemed to all intents and purposes a compliance with and performance of any covenant so entered into, or hereafter to be entered into, to insure in the names of the said Commissioners for the time being, either solely or jointly with any other person or persons, or otherwise.

And after reciting that by an Act of 38 Geo. 3, for the redemption of the land tax, the tenants of Crown lands were excepted from the general preference in purchasing or redeeming the land tax therein given to persons having any estate or interest in the lands or hereditaments wherein any land tax was chargeable: and that by an Act of 42 Geo. 3, for making further provision for the redemption of the land tax, after mentioning that it might have happened that tenants or lessees of Crown lands had redeemed the land tax charged thereon, and had transferred the consideration for the redemption thereof as if they had been empowered to contract for the same, it was by the last-mentioned Act provided that it should be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, for the time being, in all such cases to cause to be transferred to any such lessees or tenants so much capital stock as should be equivalent in amount to the stock transferred by such lessees or tenants for the redemption of such land tax which ought not to have been contracted for, and thereupon His Majesty, his heirs and successors, should be entitled to the benefit of such land tax: And that by 10 Geo. 4. c. 50. it was enacted that it should be lawful for the said Commissioners for the time being of His Majesty's Woods, Forests, and Land Revenues to ferm the land tax charged on any part of the possessions of the Crown, and to purchase any land tax on any part thereof which might have been redeemed or should be redeemed by any other person or persons, but such provision was not authorized any person or persons to purchase or redeem the land tax charged on any Crown lands contrary to the provisions of the 42 Geo. 3: And that lessees or tenants of Crown lands may have entered into, or may hereafter enter into, contracts for the purchase or redemption of the land tax on such lands, and may have transferred or may transfer to the Commissioners

for the Reduction of the National Debt sums of *3l.* per cent. Bank annuities, as the consideration for the purchase or redemption of such land tax, in ignorance of the exception in the said Act of 38 Geo. 3, hereinbefore referred to; and it is expedient that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the time being should be empowered to reimburse such tenants or lessees, their executors, administrators, or assigns, as after mentioned, and that thereupon such Crown lands as aforesaid should become exempt from land tax;—

It is Enacted,

**ix.** That in any case where any tenant or lessee of any part of the possessions of the Crown to which the said Act, 10 Geo. 4 c. 50, or this Act relates shall have transferred, or at any time hereafter shall transfer, any sum or sums of stock into the names of the Commissioners for the Reduction of the National Debt, for the purpose of purchasing or redeeming the land tax on the Crown lands of which such person was or shall be such tenant or lessee, and such attempted purchase or redemption shall be invalid or doubtful under the aforesaid provision of the said Act of 38 Geo. 3, it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the time being, with the consent in writing of the Lord High Treasurer for the time being, or of any three of the Commissioners of Her Majesty's Treasury for the time being, by and out of the annual income of the land revenues of the Crown, to purchase and cause to be transferred to any such lessee or tenant as aforesaid, his executors, administrators, or assigns, so much stock as, under all the circumstances of the case, shall, in the judgment of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, be a due compensation for the stock so transferred by such tenant or lessee; and upon the execution by the party to whom such stock shall be so transferred of an instrument in writing acknowledging the transfer thereof (to be enrolled in the office of Land Revenue Records and Enrolments), the lands on which the land tax shall have been so attempted to be purchased or redeemed by such tenant or lessee as aforesaid shall become and be absolutely freed and discharged of and from the payment of the land tax, and all arrears thereof: Provided always, that during the continuance of the estate of any such tenant or lessee, his executors, administrators, or assigns, by whom such attempted purchase or redemption of land tax as aforesaid shall have been made, Her Majesty, her heirs and successors, shall have and be entitled to a rent-charge to be issuing out of such lands the land tax whereof shall have been so redeemed, equal in amount to the land tax redeemed; and such rent shall be payable yearly, and shall be recovered by distress as in case of rent reserved on lease.

And after reciting that it is expedient that such parts of an estate situate at or near Millbank in the city of Westminster and county of Middlesex, and now vested in Her Majesty, her heirs and successors, as have not been required for the purposes of the Penitentiary at Millbank, should be let on building leases, or otherwise advantageously disposed of;—

It is Enacted,

**x.** That such parts of the said estate and hereditaments at Millbank aforesaid as have not been used for the purpose of the said Penitentiary shall be under the management of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the time being, in like manner in all respects as the possessions and land revenues of the Crown to which the said Act, 10 Geo. 4. c. 50, relates are under the management of the same Commissioners under or by virtue of the last-mentioned Act, or any other Act or Acts now made or hereafter to be made; and the said hereditaments shall be taken and considered as part of the possessions and land revenues of the Crown to which the said Act, 10 Geo. 4. c. 50, relates; and every grant, lease, or agreement of such parts of the said hereditaments, already made or entered into by the said last-mentioned Commissioners, is hereby confirmed, in all respects as if the same had been made or entered into after the passing of this Act.

And after reciting the passing of an Act, 5 Vict., intituled, 'An Act to authorize Her Majesty's Commissioners of Woods to grant Building Leases of the Royal Kitchen Garden at Kensington, and to form and improve other Royal Gardens: and to enable the said Commissioners to purchase Lands of Copyhold or Customary Tenure.' And of another Act, 5 Vict. (Session 2), intituled, 'An Act to empower the Commissioners of Her Majesty's Woods to form a new Opening from the Knightsbridge Road into Hyde Park, and a new Opening from High Street, Kensington, into an intended new Road across the Palace Green, and for annexing a Piece of extra-parochial Ground in the Royal Garden to the respective Parishes of Saint Mary Abbots Kensington and Saint Mary Paddington in several Portions.' And that the opening from High Street, Kensington, into the new road across the Palace Green, contemplated by the last-mentioned Act, has been made, but the same being narrow and confined it is desirable and expedient that such opening should be widened and enlarged;—

It is Enacted,

**xi.** That it shall be lawful for the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for and on behalf of Her Majesty, and they are hereby empowered, with the consent and approbation of the Lord High Treasurer, or the Commissioners for executing the office of Lord High Treasurer of the United Kingdom, or any three or more of them, to purchase a certain piece or parcel of ground, messuage or tenement, and buildings, with the appurtenances, situate on the north side of High Street, Kensington, in the county of Middlesex, known as the Grapes Tavern, and all subsisting terms, estates, charges, and interests therein, and to pull down such buildings when so purchased, and to appropriate the site thereof, or any part thereof, towards widening the said entrance or approach from High Street, Kensington, aforesaid, into the new road across the Palace Green aforesaid.

**xii.** That all the powers and provisions contained in the hereinbefore recited Act of 10 Geo. 4. c. 50, with reference to contracts and sales to be made to and with His Majesty, his heirs and successors, or to and with the Commissioners of His Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, shall, so far as the same are applicable, extend and apply to the said piece or parcel of ground, messuage, and buildings, with the appurtenances known as the Grapes Tavern, at Kensington aforesaid, and to the owners or occupiers thereof, or other parties in anywise interested therein; and all the provisions in the said Act as regards stamps shall apply to this Act: Provided always, that nothing herein contained shall authorize the said Commissioners to take or use the said last-mentioned premises against the consent of the parties interested therein, and by the Act last hereinbefore mentioned authorized and empowered to convey the same.

XIII. Declared and enacted, That all monies paid or to be paid by the said Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for or incident to the purchase of the Grapes Tavern, with its appurtenances, aforesaid, and all monies paid or to be paid by the said Commissioners for or incident to the purchase of the houses and hereditaments in High Street, Kensington, aforesaid, described in the Schedule to the hereinbefore recited Act of 5 Vict. (Session 2), and also all the costs and expenses incurred or to be incurred by the said Commissioners in forming and completing roads or sewers upon or across or otherwise in appropriating and adapted for building purposes the ground at or near Kensington, mentioned in the Schedule to the hereinbefore first-recited Act of 5 Vict., shall be taken into account and recouped to the funds or property under the charge of the said Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, before any surplus shall be deemed to have arisen or become applicable for the purposes mentioned in the said last hereinbefore mentioned Act of 5 Vict.

## CAP. C.

## AN ACT for the Regulation of the Care and Treatment of Lunatics.

(4th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. Acts repealed, except as they repeal other Acts :—*Proviso that present visitors and clerk shall act under this Act till new ones are appointed; and that licences heretofore granted shall remain in force, unless, &c.*
2. Commissioners in Lunacy under 5 & 6 Vict. c. 84. to be henceforth called "the Masters in Lunacy."
3. Appointment of "the Commissioners in Lunacy."
4. In case of death, disqualification, refusal, or inability of Commissioners, others to be appointed.
5. Provision for retiring pension to incapacitated Commissioners.
6. Commissioners to take oath.
7. Commissioners to have a common seal.
8. Commissioners to elect a permanent chairman.
9. Appointment of secretary.
10. Provision for retiring pension to secretary.
11. Power for the Commissioners to appoint two clerks.
12. Secretary and clerks to take an oath.
13. Clerk of the Metropolitan Commissioners to deliver all documents to the Commissioners under this Act.
14. Jurisdiction within which Commissioners are to grant licences, and termed their immediate jurisdiction, defined.
15. Commissioners to hold quarterly and special meetings for granting licences.
16. Provisions for summoning special meetings.
17. Justices of the Peace in General or Quarter Sessions in all other parts of England to license houses for the reception of lunatics, and to appoint visitors.
18. For appointment of a visitor in place of one dying, being unable, disqualified, &c.
19. Lists of visitors to be published by the clerk of the peace in a newspaper, and to be sent to the Commissioners.—Penalty for default.
20. Every visitor, being a physician, surgeon, or apothecary, to be remunerated.
21. Clerk of the peace, or some other person, to be appointed to be clerk to visitors;—his duties and remuneration.
22. Provision for assistants to the clerk of the visitors.—Oath of assistant.
23. Persons interested in any licensed house, or being medical attendant on any patient therein, disqualified to act as Commissioner, visitor, secretary, clerk, or assistant.—Disqualified persons acting a misdemeanor.—Physicians, &c. contravening, penalty 10*l*.
24. Fourteen days previous notice of intended application for and plan of licensed house to be given to the Commissioners or clerk of the peace.
25. No licences to include more than one house; but detached buildings, in certain cases, to be considered part of the house.
26. Notice of all additions and alterations to be given to the Commissioners or clerk of the peace.
27. Untrue statement a misdemeanour.
28. A copy of every licence granted by Justices to be sent to the Commissioners.
29. Every person applying for the renewal of a licence to furnish a statement of the number and class of patients then detained.
30. Licences to be made out in a given form, &c., and to be for not more than thirteen months.
31. No licence, &c. in any borough without consent of Recorder.
32. Charge for licences to be granted in pursuance of this Act.—Power to reduce the charge for the licence in certain cases.
33. Application of monies received for licences by the secretary of the Commissioners.
34. Secretary of the Commissioners to make out an annual account, to be laid before the Lords Commissioners of the Treasury, of all receipts and payments by him under this Act.
35. Balance of payments over receipts may be paid out of the Consolidated Fund.
36. Application of monies received for licences by clerks of the peace.
37. Clerks of the peace to make out annual accounts, to be laid before the Justices in sessions, of all receipts and payments made under this Act.
38. Balance of payments over receipts may be paid out of the funds of the county or borough.
39. Provision in case of the incapacity or death of the person licensed.



40. In case of a licensed house being taken for public purposes, or accidentally rendered unfit, or of the keeper wishing to transfer his patients to a new house.
41. Power of revocation of licences granted by Justices.
42. Power of revocation and of prohibition of renewal of licences granted by the Commissioners or by Justices.
43. Hospitals receiving lunatics to have their regulations printed, and a resident medical attendant, and to be registered.
44. No house to be kept for the reception of two or more lunatics without a licence.
45. No person (not a pauper) to be received without an order and medical certificate.
46. Medical practitioner signing such certificate to specify facts upon which opinion formed.
47. Proviso that in certain cases a person may be received on a certificate signed by one medical practitioner only.
48. No pauper to be received into any house or hospital for lunatics without a certain order and certificate.
49. No medical practitioner who is interested in or attends a licensed house or hospital to sign a certificate for admission of a patient into such place.
50. Every person receiving a person as a lunatic into any house or hospital to make an entry thereof in a certain form.
51. Form of patient's disorder to be entered in "The Book of Admissions" by the medical attendant.
52. Every person receiving a patient into any house or hospital to transmit a notice thereof to the Commissioners, and if within the jurisdiction of any visitors, then also to the clerk of such visitors.
53. Notices to be given in case of the escape of any patient, and of his being brought back.
54. Entry to be made, and notice given, in case of the death, discharge, or removal of any patient.
55. In case of the death of a patient, a statement of the cause of death to be transmitted to the Commissioners, and, if within the jurisdiction of any visitors, to the clerk of the visitors also.
56. Abuse or ill-treatment or (in certain cases) neglect of a patient to be a misdemeanour.
57. Houses having 100 patients to have a resident medical attendant, and houses having less to be visited by a medical attendant.
58. The Commissioners and visitors, in houses licensed for less than 11 persons, may lessen the number of medical visits.
59. A book to be kept to be called "The Medical Visitation Book," in which a weekly entry is to be made, shewing the condition of the house and of the patients.
60. A medical case book to be kept.
61. All licensed houses and hospitals to be visited by the Commissioners.
62. Licensed houses not within the immediate jurisdiction of the Commissioners to be inspected four times a year at least by the visitors.
63. The proprietor or superintendent of every house and hospital to shew every part and every patient to the Visiting Commissioners and visitors.
64. Inquiries to be made by the Commissioners and visitors on their several visitations.
65. Books and documents to be produced to Visiting Commissioners and visitors.
66. A book to be kept called "The Visitor's Book," for the result of inspection and inquiries; and a book called "The Patient's Book," for observations as to state of patients.
67. Proprietor or resident superintendent to transmit all entries by visitors and Visiting Commissioners to the clerk of the visitors and to the Commissioners.
68. Commissioners visiting a house licensed by Justices to make an entry in the patient's book as to the state of mind of any doubtful patient, and the same to be sent to the clerk of the visitors, who are thereupon to visit such patient.
69. Visiting Commissioners to report on every house and hospital not within their immediate jurisdiction.
70. Power for the Commissioners or any five of them to make rules.
71. Power in certain cases to visit by night.
72. The person who signed the order for the reception of a private patient may order his discharge or removal.
73. Provision for the discharge of a private patient when the person who signed the order for his reception is incapable.
74. Mode of removal or discharge of pauper patients.
75. No patient to be removed under any of the preceding powers, if certified to be dangerous, unless the Commissioners or visitors consent, or for the purpose of transfer to some other asylum.
76. Commissioners may discharge any patient confined in a house licensed by themselves.
77. Two Commissioners may make special visits to discharge any patient confined in a house licensed by Justices or in an hospital.
78. Similar powers for two visitors as to houses within their jurisdiction.
79. Every order for the discharge of a patient under the last preceding powers to be signed by the persons exercising them, and to be subject to certain restrictions.
80. The last preceding powers to be exercised under certain other restrictions.
81. Preceding powers not to extend to persons found lunatic by inquisition, or confined under authority of Secretary of State.
82. Power for visitors and visiting Commissioners to regulate the dietary of pauper patients.
83. Power for any visitor to give an order to the clerk of the visitors to search and give information.
84. Power for any Commissioner to give an order to the Secretary of the Commissioners to search and give information whether any particular person is or has been within twelve months confined in any house or hospital.
85. Any one Commissioner or visitor may give an order for the admission to any patient of any friend or relation, or any person named by a friend or relation.
86. Proprietor or superintendent, with consent of two Commissioners or visitors, may take or send a patient to any place for his health.
87. In case of the removal of a patient, or of his escape and recapture within fourteen days, the original order for his reception to remain in force.
88. Commissioners to report to the Lord Chancellor periodically.
89. Constitution of the private committee.
90. No person (except a person deriving no profit, or a committee,) to take charge of a single lunatic, except upon such order and medical certificates as aforesaid, and under certain obligations.

91. *Copy of the order and certificates, &c. with respect to lunatics received into an unlicensed house to be entered in a private register.*
92. *Members of the private committee to visit unlicensed houses receiving a single patient, and report.*
93. *The Lord Chancellor on such report, and the representation of the private committee, may order a lunatic to be removed.*
94. *Commissioners to report if property of lunatics be not duly protected or applied.*
95. *The Lord Chancellor to direct the Master in Lunacy to report as to the lunacy of any person detained as a lunatic, and to appoint guardians of his person and estate, and direct the application of his income.*
96. *Masters in Lunacy to have all necessary powers of inquiry, and to make inquiries referred to them.*
97. *Lord Chancellor to make orders and regulations, and fix fees.*
98. *Masters' expenses how to be paid.*
99. *Proprietors, superintendents, and other authorized persons, may plead the order and certificates for receiving any lunatic in bar of all proceedings at law.*
100. *Commissioners and visitors may summon witnesses to give evidence, with a penalty for non-compliance.*
101. *Provision for the payment of witnesses' expenses.*
102. *Upon complaint made of any offence against this Act, Justices to require the attendance of the person charged, and adjudicate thereon.—Recovery of penalties, and application thereof.*
103. *Form of conviction before Justices.*
104. *Appeal to Quarter Sessions.*
105. *Actions to be commenced within six calendar months.—Act may be given in evidence.*
106. *Offenders to be prosecuted, and penalty sued for by the secretary of the Commissioners and the clerk of any visitors, and by no person without the authority of the Commissioners or visitors.*
107. *Offenders against the provisions of any of the repealed Acts may be prosecuted under this Act.*
108. *No person to be punishable for omitting to send any copy, &c., if proved to have been put in the post, or left at the proper office.*
109. *Costs incurred by the Commissioners to be paid by their secretary, and costs incurred by visitors by the clerk of the peace.*
110. *Commissioners to visit asylums and gaols.*
111. *Commissioners to visit workhouses.*
112. *Provision for the visitation of lunatics under the care of committees, and also of state and criminal lunatics, and other lunatics not comprised in the preceding provisions.*
113. *Power for the Lord Chancellor and Secretary of State for the Home Department to authorize a special visitation of any place where a lunatic is represented to be confined.*
114. *Interpretation clause.*
115. *Boroughs and counties to comprise all places therein not having separate commission of the peace.*
116. *Act not to extend to Bethlehem Hospital.*
117. *Act to be confined to England and Wales.*
118. *Alteration of Act.*

By this ACT, it is Enacted,

i. That from and after the passing of this Act, 2 & 3 Will. 4. c. 107, 3 & 4 Will. 4. c. 64, 5 & 6 Will. 4. c. 22, 1 & 2 Vict. c. 73, 5 Vict. c. 4, and 5 & 6 Vict. c. 87, shall be and the same are hereby repealed, save and except so far as they or any of them repeat any other Act: Provided always, that until the appointment for any jurisdiction of visitors and their clerk under the provisions of this Act the visitors and clerk appointed for such jurisdiction under the said repealed Acts or any of them shall respectively have and perform the powers, authorities, and duties which they would have respectively had or performed if appointed under this Act: Provided also, that all licences heretofore granted shall remain in force for the periods for which they were respectively granted, unless revoked as hereinafter provided; and that all orders, matters, and things which have been granted, made, done, or directed to be done in pursuance of the said repealed Acts or any of them shall be and remain as good, valid, and effectual to all intents and purposes as if the said repealed Acts had not been repealed, except so far as such orders, matters, or things are expressly made void or affected by this Act; and that all fees, charges, and expenses which have become payable under the said repealed Acts or any of them shall be payable in the same manner and from the same funds as would have been applicable thereto in case such Acts had not been repealed.

ii. That the persons already appointed and hereafter to be appointed under an Act, 5 & 6 Vict. c. 84, intituled, 'An Act to alter and amend the Practice and Course of Proceeding under Commissions in the Nature of Writs *De lunatico inquirendo*,' whereby the Lord Chancellor is empowered to appoint two persons, to be called "The Commissioners in Lunacy," shall henceforth be and be called "The Masters in Lunacy," and shall take the same rank and precedence as the Masters in ordinary of the High Court of Chancery.

iii. That the Right Honourable Lord Ashley, the Right Honourable Lord Seymour, the Right Honourable Robert Vernon Smith, Robert Gordon, of Lewiston, in the county of Dorset, Esquire, Francis Barlow of Montagu Square, Esquire, Thomas Turner of Curzon Street, Esquire, Henry Herbert Southey of Harley Street, Esquire, John Robert Hume of Curzon Street aforesaid, Esquire, Bryan Waller Proctor of Gray's Inn, Esquire, James William Mylne of Lincoln's Inn, Esquire, and John Hancock Hall of the Middle Temple, Esquire, (which said Thomas Turner, Henry Herbert Southey, and John Robert Hume, and no other of the said persons, are physicians, and which said Bryan Waller Proctor, James William Mylne, and John Hancock Hall, and no other of the said persons, are practising barristers at law of ten years standing at the bar and upwards,) and their respective successors, to be appointed as hereinafter provided, shall be Commissioners for the purposes of this Act, to be called "The Commissioners in Lunacy;" and that such Commissioners for the time being shall respectively hold their offices during good behaviour, and shall not, so long as they shall remain such Commissioners, receive any salary under this Act, accept, hold, or carry on any other office or situation, or any profession or employment, from which any gain or profit shall be derived; and that there shall be paid to each of the six Commissioners for the time

being who shall be physicians, surgeons, or barristers of five years standing and upwards, out of the monies or funds herein-after mentioned, over and above their respective travelling and other expenses whilst employed in visiting any houses, hospitals, asylums, gaols, workhouses, or other places, in pursuance of this Act, the yearly salary of 1,500*l.*, by four equal quarterly payments, on the 29th of September, the 25th of December, the 26th of March, and the 24th of June in every year, the first of each such payments (or a proportionate part thereof, to be computed, in the case of the Commissioners appointed by this Act, from the passing of the Act, and in case of the Commissioners to be appointed as herein-after provided, from the time of the respective appointments of such Commissioners,) to be made to such Commissioners respectively on such of the same days of payment as shall first happen after the passing of this Act, or after the date of their respective appointments, as the case may be.

iv. That as often as any Commissioner appointed by this Act or to be appointed under this present provision shall die, or be removed for ill-behaviour, or be disqualified, or resign or refuse to act, or become unable by illness or otherwise to perform the duties or exercise the powers of this Act, the Lord Chancellor shall appoint a person to be a Commissioner in the room of the Commissioner who shall die, or be removed, or be disqualified, or resign, or refuse or become unable to act as aforesaid, but so that every person so appointed in the room of a physician shall be a physician or surgeon, and every person so appointed in the room of a barrister of five years standing at the bar and upwards shall be a practising barrister of not less than five years standing at the bar, and every person appointed in the room of any other Commissioner shall be neither a physician nor a surgeon, nor a practising barrister; and until such appointment it shall be lawful for the continuing Commissioners or Commissioner to act as if there were no such vacancy.

v. That any superannuation allowance to be granted to any Commissioner appointed or to be appointed under this Act shall be granted only in respect of services performed under this Act, and shall be subject to the provisions of an Act, 4 & 5 Will. 4. c. 24, intitled, 'An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensation, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service,' so far as such provisions relate to officers and clerks who had entered or might enter the public service subsequent to the 4th of August 1872.

vi. That every person hereby or hereafter appointed a Commissioner under this Act shall, before he acts in the execution of his duty as a Commissioner, take an oath to the following effect; (that is to say,)

'I *A.B.* do swear, That I will discreetly, impartially, and faithfully execute all the trusts and powers committed unto me by virtue of an Act of Parliament made in the Ninth Year of the Reign of Her present Majesty Queen Victoria, intitled [*here insert the Title of the Act*]; and that I will keep secret all such matters as shall come to my knowledge in the execution of my Office (except when required to divulge the same by legal Authority, or so far as I shall feel myself called upon to do so for the better Execution of the Duty imposed on me by the said Act). So help me GOD.'

Which oath it shall be lawful for the Lord Chancellor to administer to every such Commissioner; and any three of the Commissioners who shall have previously taken the oath are hereby authorized to administer such oath to any other Commissioner.

vii. That the Commissioners shall cause to be made a seal of the commission, and shall cause to be sealed or stamped therewith all licences, orders and instruments granted or made, or issued, or authorized by the Commissioners, in pursuance of this Act, except such orders or instruments as are hereinafter required or directed to be given or signed and sealed by one Commissioner or two Commissioners; and all such licences, orders and instruments, or copies thereof, purporting to be sealed or stamped with the seal of the commission, shall be received as evidence of the same respectively, and of the same respectively having been granted, made, issued, or authorized by the Commissioners, without any further proof thereof; and so such licence, order, or instrument, or copy thereof, shall be valid, or have any force or effect, unless the same shall be so sealed or stamped as aforesaid.

viii. That the Commissioners or any five of them shall, as soon as may be after the passing of this Act, meet at the usual office or place of business now occupied or used by the Metropolitan Commissioners in Lunacy, or at such other place as the Lord Chancellor shall direct, and elect one of the same Commissioners (not being a physician or a barrister receiving any salary by virtue of this Act) to be the permanent chairman of the commission; and in case such permanent chairman, or any other permanent chairman who shall thereafter be elected in pursuance of this provision, shall die, or decline or become incapable to act as chairman, or shall cease to be a Commissioner, then and as often as the same shall happen the Commissioners for the time being, or any five of them, at any meeting to be specially summoned for that purpose, shall elect another person to be the permanent chairman of the Commission in the place of the chairman who shall so die, or decline or become incapable to act, or cease to be a Commissioner as aforesaid; and in case the permanent chairman for the time being shall be absent from any meeting it shall be lawful for the majority of the Commissioners present at any such meeting to elect a chairman for that meeting; and in all cases every question shall be decided by a majority of voters (the chairman, whether permanent or temporary, having a vote), and in the event of an equality of votes the chairman for the time being shall have an additional or casting vote.

ix. That Robert Wilfred Skeffington Lutwidge of Lincoln's Inn, Esq., shall be the secretary to the Commissioners; and that the said Robert Wilfred Skeffington Lutwidge, and every secretary to be hereafter appointed, shall be removable from his office by the Lord Chancellor, on the application of the Commissioners; and that as often as the said Robert Wilfred Skeffington Lutwidge, or any secretary to be appointed under this present provision, shall die, or resign to be removed from his office, the Commissioners, with the approbation of the Lord Chancellor, shall appoint a person to be secretary in the room of the said Robert Wilfred Skeffington Lutwidge, or other the secretary who shall die or resign or be removed as aforesaid; and that the secretary for the time being shall, in the performance of all his duties, and in all respects, be subject to the inspection, direction, and controul of the Commissioners; and that there shall be paid to the secretary for the time being, out of the monies and funds herein-after mentioned, the yearly salary of 800*l.* by four equal quarterly payments, on the 29th of September, the 25th of December, the 25th of March, and the 24th of June in every year, the first of such payments (or a proportionate part thereof, to be computed, in the case of the said Robert Wilfred Skeffington Lutwidge, from the passing of

this Act, and in case of every other secretary from the time of his appointment,) to be made to the said Robert Wilfred Skeffington Lutwidge on such of the same days of payment as shall first happen after the passing of this Act, and to every other secretary for the time being on such of the same days of payment as shall first happen after his appointment.

x. That any superannuation allowance to be granted to any secretary appointed or to be appointed under this Act shall be granted only in respect of services performed under this Act, and shall be subject to the provisions of an Act, 4 & 5 Will. 4. c. 24, intituled, 'An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensation, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service,' so far as such provisions relate to officers and clerks who had entered or might enter the public service subsequent to the 4th of August 1829.

xi. That it shall be lawful for the Commissioners to appoint, during pleasure, any two persons as clerks to the Commissioners, and to allow to such two clerks any such yearly or other salaries (not exceeding in the whole the yearly sum of 200*l.* for such two clerks) as the Commissioners shall think proper; and further, that it shall be lawful for the Commissioners, at any time hereafter, in case they shall find it expedient so to do, for the due performance of the business of the commission, with the consent of the Lord High Treasurer, or of the Commissioners of Her Majesty's Treasury, or of any three or more of them, to appoint one or two other clerks (in addition to the two clerks firstly hereinbefore mentioned), and to allow to such one or two additional clerk or clerks any such yearly or other salaries as the Commissioners shall think fit (not exceeding in the whole the yearly sum of 200*l.*); and such salaries shall be paid out of the monies or funds hereinafter mentioned.

xii. That every person appointed to be secretary or clerk as aforesaid shall, before he shall act as such secretary or clerk take the following oath, to be administered by any one of the Commissioners:

'I A. B. do swear, That I will faithfully execute all such Trusts and Duties as shall be committed to my Charge as Secretary, to the Commissioners in Lunacy [or as Clerk to the Commissioners in Lunacy, *as the case may be*]; and that I will keep secret all such Matters as shall come to my Knowledge in the execution of my Office (except when required to divulge the same by legal Authority).  
So help me GOD.'

xiii. That immediately after the passing of this Act the clerk to the Metropolitan Commissioners in Lunacy appointed under the said Act, 2 & 3 Will. 4. c. 107, or under any of the other Acts hereby repealed, shall forthwith deliver up every book, paper, and document, and all goods, property, and effects which may be in his possession by virtue of his said office, or in consequence thereof, or connected with the business thereof, to the Commissioners in Lunacy hereby appointed; and every book, paper, and document, and all goods, property, and effects respectively, which shall be so delivered unto or shall hereafter come into the possession of the Commissioners in Lunacy by virtue of their office, shall thereupon be vested in and shall be deemed to be the property of the Commissioners in Lunacy for the time being.

xiv. That it shall be lawful for the Commissioners (if and when they shall think fit) to grant a licence to any person to keep a house for the reception of lunatics, or of any sex or class of lunatics, within the places following; (that is to say,) the cities of London and Westminster, the county of Middlesex, the borough of Southwark, and the several parishes and places hereinafter mentioned; (that is to say,) Brixton, Battersea, Barnes, Saint Mary Magdalen Bermondsey, Christ Church Clapham, Saint Giles Camberwell, Dulwich, Saint Paul Deptford, Gravenay, Kew Green, Kennington, Saint Mary Lambeth, Mortlake, Merton, Mitcham, Saint Mary Newington, Norwood, Putney, Peckham, Saint Mary Rotherhithe, Roehampton, Streatham, Stockwell, Tooting, Wimbledon, Wandsworth, and Walworth, in the county of Surrey; Blackheath, Charlton, Deptford, Greenwich, Lewisham, Lee, Southend, and Woolwich, in the county of Kent; and East Ham, Layton, Laytonstone, Low Layton, Plaistow, West Ham, and Walthamstow, in the county of Essex; and also within every other place (if any) within the distance of seven miles from any part of the said cities of London or Westminster, or of the said borough of Southwark; all which cities, county, borough, parishes, and places aforesaid shall be and are hereafter referred to as the immediate jurisdiction of the Commissioners.

xv. That the Commissioners or some five of them shall meet at the usual office or place of business which shall for the time being be occupied or used by the said Commissioners, or at such other place as the Lord Chancellor may direct, on the first Wednesday in the months of February, May, July, and November in every year, in order to receive applications from persons requiring houses to be licensed for the reception of lunatics within the immediate jurisdiction of the Commissioners, and (if they shall think fit) to license the same; and in case on any such occasion five Commissioners shall not be present the meeting shall take place on the next succeeding Wednesday, and so on weekly until five Commissioners shall be assembled; and the Commissioners assembled at every such meeting shall have power to adjourn such meeting from time to time and to such place as they shall see fit: Provided always, nevertheless, that it shall be lawful for any five of the Commissioners at any other time, at any meeting duly summoned under the provisions in that behalf hereinafter contained, to receive applications from persons requiring houses to be licensed as aforesaid, and, if they shall think fit, to license the same.

xvi. That when and so often as any Commissioner shall by writing under his hand require the secretary to convene a meeting of the Commissioners for a purpose or purposes specified in such writing, or for the general despatch of business, such secretary is hereby required to convene such meeting by summons to the other Commissioners, or such of them as shall then in England and shall have an address known to the secretary, and to give them, as far as circumstances will admit, at least twenty-four hours notice of the place, day, and hour where and on and at which such meeting is intended to be held, and also to state in the summons the purpose or purposes of such meeting, as specified by the Commissioner requiring the same to be convened; and then and in every such case it shall be lawful for any three of the Commissioners to assemble themselves to consider, and (if they shall think fit) to execute the purpose or purposes of such meeting: Provided always, nevertheless, that nothing shall be done at any such meeting, at which less than five Commissioners shall be present, which this Act is required to be done by five Commissioners: Provided also, that every such meeting shall, as far as circumstances will admit, be held at the usual office or place of business of the Commissioners.

xvii. That in all places not being within the immediate jurisdiction of the Commissioners the Justices for the county or borough assembled in general or quarter sessions shall have the same authority within their respective counties or boroughs to

license houses for the reception of lunatics as the Commissioners within their immediate jurisdiction; and that the said Justices shall, at the Michaelmas General or Quarter Sessions in every year, appoint three or more Justices, and also one physician, surgeon, or apothecary, or more, to act as visitors of every or any house or houses licensed for the reception of lunatics within the said counties or boroughs respectively; and such visitors shall at their first meeting take the oath required by this Act to be taken by the Commissioners, *mutatis mutandis*, such oath to be administered by a Justice.

XVIII. That in case at any time of the death, inability, disqualification, resignation, or refusal to act of any person so appointed a visitor as aforesaid, it shall be lawful for the Justices of the county or borough, at any General or Quarter Sessions, to appoint a visitor in the room of the person who shall die, or be unable or be disqualified, or resign, or refuse to act as aforesaid.

XIX. That a list of the names, places of abode, occupations, or professions of all visitors appointed as hereinbefore is directed shall, within fourteen days from the date of their respective appointments, be published by the clerk of the peace of the county or borough for which they shall be respectively appointed in some newspaper commonly circulated within the same county or borough, and shall, within three days from the date of their respective appointments, be sent by the clerk of the peace to the Commissioners; and every clerk of the peace making default in either of the respects aforesaid shall for every such default forfeit a sum not exceeding 2*l*.

XX. That every such visitor as aforesaid, being a physician, surgeon, or apothecary, shall be paid out of the monies or funds hereinafter mentioned for every day during which he shall be employed in executing the duties of this Act such sum as the Justices of the county or borough shall in General or Quarter Sessions direct.

XXI. That the clerk of the peace, or some other person to be appointed by the Justices for the county or borough in General or Quarter Sessions, shall act as clerk to the visitors so appointed as aforesaid, and such clerk shall summon the visitors to meet at such time and place, for the purpose of executing the duties of this Act, as the said Justices in General or Quarter Sessions shall appoint; and every such appointment, summons, and meeting shall be made and held as privately as may be, and in such manner that no proprietor, superintendent, or person interested in or employed about or connected with any house to be visited shall have notice of such intended visitation; and such clerk to the visitors shall, at their first meeting, take the oath required by this Act to be taken by the Secretary of the Commissioners, *mutatis mutandis*, such oath to be administered by one of the visitors, being a Justice; and the name, place of abode, occupation, and profession of the clerk to the visitors (whether the same shall be the clerk of the peace or any other person) shall within fourteen days after the appointment be published by the clerk of the peace for the county or borough in some newspaper commonly circulated therein, and within three days from the date of the appointment be communicated by the said clerk of the peace to the Commissioners; and every clerk of the peace making default in either of the respects aforesaid shall for every such default forfeit a sum not exceeding 2*l*; and every such clerk to the visitors shall be allowed such salary or remuneration for his services (to be paid out of the monies or funds hereinafter mentioned) as the Justices for the county or borough shall in General or Quarter Sessions direct.

XXII. That if the clerk of any visitors shall at any time desire to employ an assistant in the execution of the duties of his office, such clerk shall certify such desire and the name of such assistant to one of the visitors, being a Justice; and if such visitor shall approve thereof he shall administer the following oath to such assistant:

'I *A.B.* do solemnly swear, That I will faithfully keep secret all such Matters and Things as shall come to my Knowledge in consequence of my Employment as Assistant to the Clerk of the Visitors appointed for the County [*or Borough*] of

'by virtue of an Act of Parliament passed in the Ninth Year of the Reign of Her Majesty Queen Victoria, intitled [*here insert the Title of the Act*], unless required to divulge the same by legal Authority. So help me GOD.'

And such clerk may thereafter, at his own cost, employ such assistant.

XXIII. That no person shall be or act as a commissioner, or visitor, or secretary, or clerk to the Commissioners, or clerk or assistant clerk to any visitors, or act in granting any licence, who shall then be, or shall within one year then next preceding have been, directly or indirectly interested in any house licensed for the reception of lunatics, or the profits of such reception; and no physician or surgeon (being a Commissioner), and no physician, surgeon, or apothecary, (being a visitor,) shall sign any certificate for the admission of any patient into any licensed house or hospital, or shall professionally attend upon any patient in any licensed house or hospital, unless he be directed to visit such patient by the person upon whose order such patient has been received into such licensed house or hospital, or by the Lord Chancellor, or Her Majesty's Principal Secretary of State for the time being for the Home Department, or by a committee appointed by the Lord Chancellor; and if any such commissioner, or visitor, or secretary or clerk to the Commissioners, or clerk or assistant clerk to any visitors, shall after his appointment be or become so interested in any house licensed for the reception of lunatics, or the profits of such reception, such commissioner, visitor, secretary, or clerk, or assistant clerk, as the case may be, shall immediately thereupon be disqualified from acting and shall cease to act in such capacity; and if any person, being disqualified as aforesaid, shall take the office of commissioner, visitor, secretary, clerk, or assistant clerk, or, being a commissioner, visitor, secretary, clerk, or assistant clerk, shall become disqualified as aforesaid, and shall afterwards continue to act in such capacity, such person shall be guilty of a misdemeanor; and if any physician or surgeon (being a Commissioner), or any physician, surgeon, or apothecary, (being a visitor,) shall sign any certificate for the admission of any patient into any licensed house or hospital, or shall professionally attend any patient in any licensed house or hospital (except as aforesaid), such physician, surgeon, or apothecary (as the case may be) shall for each offence against this provision forfeit the sum of 10*l*.

XXIV. That every person who shall desire to have a house licensed for the reception of lunatics shall give a notice, if such house be situate within the immediate jurisdiction of the Commissioners, to the Commissioners, or if elsewhere to the clerk of the peace for the county or borough in which such house is situate, fourteen clear days at the least prior to some quarterly or other meeting of the Commissioners, or to some General or Quarter Sessions for such county or borough, as the case be; and such notice shall contain the true christian and surname, place of abode, and occupation of the person to whom the licence is desired to be granted, and a true and full description of his estate or interest in such house; and in case the person

to whom the licence is desired to be granted does not propose to reside himself in the licensed house, the true christian and surname and occupation of the superintendent who is to reside therein; and such notice, when given for any house which shall not have been previously licensed, shall be accompanied by a plan of such house, to be drawn upon a scale of not less than one-eighth of an inch to a foot, with a description of the situation thereof, and the length, breadth, and height of and a reference by a figure or letter to every room and apartment therein, and a statement of the quantity of land, not covered by any building, annexed to such house, and appropriated to the exclusive use, exercise, and recreation of the patients proposed to be received therein, and also a statement of the number of patients proposed to be received into such house, and whether the licence so applied for is for the reception of male or female patients, or of both, and if for the reception of both, of the number of each sex proposed to be received into such house, and of the means by which the one sex may be kept distinct and apart from the other; and such notice, plan, and statement, when sent to the clerk of the peace, shall be laid by him before the Justices of the county or borough at such time as they shall take into their consideration the application for such licence: Provided always, that it shall be lawful for any person to whom a licence shall be granted to remove the superintendent, named in the notice, and at any time or times to appoint another superintendent, upon giving a notice containing the true christian and surname and occupation of the new superintendent to the Commissioners or the visitors of the house, as the case may require: Provided always, that all plans heretofore delivered shall be deemed sufficient for the purposes of this Act, if the Commissioners or Justices, as the case may be, shall so think fit.

xxv. That no one licence shall include or extend to more than one house; but if there be any place or building detached from a house to be licensed, but not separated therefrom by ground belonging to any other person, and if such place or building be specified, delineated, and described in the notice, plan, and statement hereinbefore required to be given, in the same manner in all particulars as if the same had formed part of such house, then such detached place or building may be included in the licence for the house, if the Commissioners or Justices, as the case may be, shall think fit, and if so included shall be considered part of such house for the purposes of this Act: Provided always, that no person hereafter receiving a licence for the first time shall receive any licence for the reception of lunatics in any lunatic asylum who shall not reside on the premises for which he is licensed.

xxvi. That no addition or alteration shall be made to, in, or about any licensed house, or the appurtenances, unless previous notice in writing of such proposed addition or alteration, accompanied with a plan of such addition or alteration, to be drawn upon the scale aforesaid, and to be accompanied by such description as aforesaid, shall have been given by the person to whom the licence shall have been granted to the Commissioners or to the clerk of the peace, as the case may be, and the consent in writing of the Commissioners, or of two of the visitors, as the case may be, shall have been previously given.

xxvii. That if any person shall wilfully give an untrue or incorrect notice, plan, statement, or description of any of the things hereinbefore required to be included in any notice, plan, or statement, he shall be guilty of a misdemeanour.

xxviii. That in every case in which a licence for the reception of lunatics shall after the passing of this Act be granted by any Justices the clerk of the peace for the county or borough shall, within fourteen days after such licence shall have been granted, send a copy thereof to the Commissioners; and any clerk of the peace omitting to send such copy within such time shall for every such omission forfeit a sum not exceeding 2*l*.

xxix. That in every case in which any person shall apply for the renewal of a licence already granted or hereafter to be granted, such person, if applying to the Commissioners, shall with such application transmit to the Commissioners, and if applying to any Justices shall with such application transmit to the clerk of the peace for the county or borough, and also at the same time to the Commissioners, a statement signed by the person so applying, containing the names and number of the patients of each or either sex then detained in such house, and distinguishing whether such patients respectively are private or pauper patients; and any person who shall hereafter obtain the renewal of a licence without making such return or returns shall for every such offence forfeit the sum of 10*l*.; and any person who shall make any such return untrue shall be guilty of a misdemeanour.

xxx. That every licence shall, as nearly as conveniently may be, be according to the form in the Schedule (A.) annexed to this Act, and shall be stamped with a 10*s*. stamp, and shall be under the seal of the Commissioners, if granted by them, and if by any Justices under the hands and seals of three or more such Justices in General or Quarter Sessions assembled, and shall be granted for such period, not exceeding thirteen calendar months, as the Commissioners or Justices, as the case may be, shall think fit.

xxxi. That no licence shall be granted or visitor or clerk appointed by the Justices for any borough without the consent in writing of the recorder of such borough to such grant or appointment.

xxxi. That for every licence to be hereafter granted there shall be paid to the secretary of the Commissioners, or to the clerk of the peace, according as the licence shall be granted by the Commissioners or Justices (exclusive of the sum to be paid for the stamp) the sum of 10*s*. and no more for every patient not being a pauper, and the sum of 2*s*. 6*d*. and no more for every patient being a pauper, proposed to be received into such house, and if the total amount of such sums of 10*s*. and 6*d*. shall not amount to 15*l*., then so much more as shall make up the sum of 15*l*.; and no such licence shall be delivered until the sum payable for the same shall be paid: Provided always, that if the period for which a licence shall be granted be not more than thirteen calendar months it shall be lawful for the Commissioners or the Justices, as the case may be, to reduce the sum to be made on such licence to any sum not less than 5*l*.

xxxii. That all monies received for licences granted by the Commissioners, and for searches made in pursuance of the provisions for that purpose hereinafter contained, shall be retained by the secretary of the Commissioners, and be applied by him or towards the payment of the salaries and travelling and other expenses of the Commissioners and of their secretary clerks, and in or towards the payment or discharge of all or any costs, charges, and expenses incurred by or under the authority of the Commissioners in the execution of or under or by virtue of this Act.

xxxiv. That the secretary of the Commissioners shall make out an account of all monies received and paid by him as aforesaid, and of all monies otherwise received and paid by him, and of all charges and expenses incurred under or by virtue of or in the execution of this Act; and such account shall be made up to the 1st of August in each year, and shall be signed by five at least of the Commissioners; and such account shall specify the several heads of charge and expenditure, and shall be transmitted to the Lord High Treasurer, or to the Commissioners of Her Majesty's Treasury, who shall thereupon audit such account, and, if he or they shall deem it expedient, direct the balance (if any) remaining in the hands of the said secretary to be paid into the Exchequer to the account of the Consolidated Fund; and such accounts shall be laid before Parliament on or before the 25th of March in each year, if Parliament be then sitting, or if Parliament be not then sitting then within one month after the then next sitting of Parliament.

xxxv. That it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any three or more of them, and they are hereby directed and empowered, from time to time (on an application to them, agreed to at some quarterly or other meeting of the Commissioners, attended by five at least of the Commissioners, and certified under their hands,) to cause to be issued and paid out of the Consolidated Fund to the secretary of the Commissioners such a sum of money as the Commissioners shall in such application have certified to be requisite to pay and discharge so much of the salaries, costs, charges, and expenses hereinbefore directed to be paid out of the monies received by the said secretary for licences and otherwise as aforesaid as such monies shall be inadequate to pay, and the said secretary shall thereupon apply such money in or towards the payment or discharge of such salaries, costs, charges, and expenses respectively; and that it shall be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any three or more of them, from time to time to advance by way of imprest to the said secretary such sum or sums of money as to such Lord High Treasurer or Commissioners of Her Majesty's Treasury may appear requisite and reasonable, for or towards the payment or discharge of all or any such salaries, costs, charges, or expenses as aforesaid, such sum or sums to be accounted for by the said secretary in his then next account.

xxxvi. That all monies to be received for licences granted by any Justices shall be applied by the clerk of the peace for the county or borough in or towards the payment of the salary or remuneration of the clerk to the visitors for such county or borough, and in or towards the remuneration of such of the same visitors as are hereinbefore directed to be remunerated, and in or towards the payment or discharge of all costs, charges, and expenses incurred by or under the authority of the same Justices or visitors in the execution of or under or by virtue of this Act.

xxxvii. That the clerk of the peace for every county or borough shall keep an account of all monies received and paid by him as aforesaid, and of all monies otherwise received or paid by him under or by virtue of or in the execution of this Act; and such account shall respectively be made up to the 1st of August in each year, and shall be signed by two at least of the visitors for the county or borough; and every such account shall be laid by the clerk of the peace before the Justices at the Michaelmas General or Quarter Sessions, who shall thereupon direct the balance (if any) remaining in the hands of the clerk of the peace to be paid into the hands of the treasurer for such county or borough, in aid and as part of the county or borough rate.

xxxviii. That it shall be lawful for the Justices for any county or borough in General or Quarter Sessions assembled, if they shall think fit, to order to be paid to the clerk of the peace of such county or borough, out of the rates or funds thereof, such sum or sums of money as they shall on examination deem to be necessary to pay and discharge so much of the salary, remuneration, costs, charges, and expenses hereinbefore directed to be paid out of the monies received by such clerk of the peace for licences and otherwise as aforesaid as such monies shall be inadequate to pay; and also that it shall be lawful for the Justices in General or Quarter Sessions assembled, if they shall think fit, from time to time to order to be advanced out of the rates or funds of such county or borough, to the clerk of the peace, such sum or sums of money as to such Justices may appear requisite and reasonable, for or towards the payment or discharge of any such salary, remuneration, costs, charges, or expenses as last aforesaid; and every such sum of money as aforesaid shall be paid and advanced out of the rates or funds of such county or borough by the treasurer thereof, and shall be allowed in his accounts, on the authority of the aforesaid order by the Justices for the payment or advance thereof.

xxxix. That if any person to whom a licence shall have been granted under this Act or under any of the Acts hereinbefore repealed shall by sickness or other sufficient reason become incapable of keeping the licensed house, or shall die before the expiration of the licence, it shall be lawful for the Commissioners or for any three Justices for the county or borough, as the case may be, if they shall respectively think fit, by writing indorsed on such licence, under the seal of the Commissioners or under the hands of such three Justices, to transfer the said licence, with all the privileges and obligations annexed thereto, for the term then unexpired, to such person as shall at the time of such incapacity or death be the superintendent of such house, or have the care of the patients therein, or to such other person as the Commissioners or such Justices respectively shall approve, and in the meantime such licence shall remain in force and have the same effect as if granted to the superintendent of the house; and in case a licence has been or shall be granted to two or more persons and before the expiration thereof any or either of such persons shall die, leaving the other or others surviving, such licence shall remain in force and have the same effect as if granted to such survivors or survivor.

xl. That if any licensed house shall be pulled down or occupied under the provisions of any Act of Parliament, or shall by fire, tempest, or other accident be rendered unfit for the accommodation of lunatics, or if the person keeping such house shall desire to transfer the patients to another house, it shall be lawful for the Commissioners (if the new house shall be within their immediate jurisdiction), at any quarterly or other meeting, or for any two or more of the visiting Justices for the county or borough within which the new house is situate, as the case may be, upon the payment to the secretary of the Commissioners or the clerk of the peace, as the case may be, of not less than 1*l*. for the licence (exclusive of the sum to be paid for the stamp), to grant to the person whose house has been so pulled down, occupied, or so rendered unfit, or who shall desire to transfer his patients as aforesaid, a licence to keep such other house for the reception of lunatics, for such time as the Commissioners or the said Justices, as the case may be, shall think fit: Provided always, that the same notice

of such intended change of house, and the same plans and statements and descriptions of and as to such intended new house, shall be given as are required when application is first made for a licence for any house, and shall be accompanied by a statement in writing of the cause of such change of house; and that, except in cases in which the change of house is occasioned by fire or tempest, seven clear days previous notice of the intended removal shall be sent, by the person to whom the licence for keeping the original house shall have been granted, to the person who signed the order for the reception of each patient, not being a pauper, or the person by whom the last payment on account of such patient shall have been made, and to the relieving officer or overseer of the union or parish to which each patient being a pauper is chargeable, or the person by whom the last payment on account of such patient shall have been made.

XLII. That if a majority of the Justices of any county or borough in General or Quarter Sessions assembled shall recommend to the Lord Chancellor that any licence granted by the Justices for such county or borough, either before or after the passing of this Act, shall be revoked, it shall be lawful for the Lord Chancellor to revoke the same by an instrument under his hand and seal, such revocation to take effect at a period to be named in such instrument, not exceeding two calendar months from the time a copy or notice thereof shall have been published in the *London Gazette*; and a copy or notice of such instrument of revocation shall be published in the *London Gazette*, and shall before such publication be transmitted to the person to whom such licence shall have been granted, or to the resident superintendent of the licensed house, or be left at the licensed house: Provided always, that in case of any such revocation being recommended to the Lord Chancellor, notice thereof in writing shall, seven clear days previously to the transmission of such recommendation to the Lord Chancellor, be given to the person the revocation of whose licence shall be recommended, or to the resident superintendent of the licensed house, or shall be left at the licensed house.

XLIII. That if the Commissioners shall recommend to the Lord Chancellor that any licence granted either by the Commissioners or by any Justices, either before or after the passing of this Act, shall be revoked or shall not be renewed, it shall be lawful for the Lord Chancellor by an instrument under his hand and seal to revoke or prohibit the renewal of such licence; and in the case of a revocation the same shall take effect at a period to be named in such instrument, not exceeding two calendar months from the time a copy or notice thereof shall have been published in the *London Gazette*; and a copy or notice of such instrument of revocation shall be published in the *London Gazette*, and shall before such publication be transmitted to the person to whom such licence shall have been granted, or to the resident superintendent of the licensed house, or shall be left at the licensed house: Provided always, that in case of any such revocation or prohibition to renew being recommended to the Lord Chancellor, notice thereof in writing shall, seven clear days previously to the transmission of such recommendation to the Lord Chancellor, be given to the person the revocation or prohibition of renewal of whose licence shall be recommended, or to the resident superintendent of the licensed house, or shall be left at the licensed house.

XLIV. That the regulations as to lunatics of every hospital in which lunatics are or shall be received shall be printed, and complete copies thereof shall be sent to the Commissioners, and also kept hung up in the visitors room of such hospital; and that every such hospital shall have a physician, surgeon or apothecary resident therein, as the superintendent and medical attendant thereof; and such superintendent shall immediately after the passing of this Act (or immediately after the establishment of such hospital, as the case may be,) apply to the Commissioners to have such hospital registered, and thereupon such hospital shall be registered in a book to be kept for that purpose by the Commissioners; and in case the superintendent of any such hospital shall at any time omit to have copies of such regulations sent or hung up as aforesaid, or to apply to have such hospital registered as aforesaid, he shall for every such omission forfeit a sum not exceeding 20*l*.

XLV. That after the passing of this Act it shall not be lawful for any person to receive two or more lunatics into any house, unless such house shall be an asylum or an hospital registered under this Act, or a house for the time being duly licensed under this Act, or one of the Acts hereinbefore repealed; and any person who shall receive two or more lunatics into any house other than a house for the time being duly licensed as aforesaid, or an asylum or an hospital duly registered under this Act, shall be guilty of a misdemeanour.

XLVI. That no person (not a pauper), whether being or represented to be a lunatic, or only a boarder or lodger, in respect of whom any money shall be received or agreed to be received for board, lodging, or any other accommodation, shall be received into or detained in any licensed house, and no person (not a pauper) shall be received into or detained as a lunatic in any hospital, without an order under the hand of some person according to the form and stating the particulars required in Schedule (B.) annexed to this Act, nor without the medical certificates, according to the form in Schedule (C.) annexed to this Act, of two physicians, surgeons, or apothecaries who shall not be in partnership, and each of whom shall separately from the other have personally examined the person to whom it relates, not more than seven clear days previously to the reception of such person into such house or hospital, and shall have signed and dated the same on the day on which such person shall have been so examined; and every person who shall receive or detain any such person as aforesaid in any such house or hospital as aforesaid without such order and medical certificates as aforesaid, and any physician, surgeon, or apothecary who shall knowingly sign any such medical certificate as aforesaid which shall untruly state any of the particulars required by this Act, shall be guilty of a misdemeanour.

XLVII. Provided and enacted, That every physician, surgeon, or apothecary signing such certificate shall specify therein any fact or facts (whether arising from his own observation or from the information of any other person) upon which he has formed his opinion that the person to whom such certificate relates is a lunatic or an insane person, or an idiot, or a person of unsound mind.

XLVIII. Provided nevertheless, and enacted, That any person (not a pauper) may, under special circumstances, be received into any such house or hospital as aforesaid, upon such order as aforesaid, with the certificate of one physician, surgeon, or apothecary alone, provided that such order state the special circumstances which have prevented the person from being examined by two medical practitioners; but in every such case another such certificate shall be signed by some other physician, surgeon,



or apothecary, not being connected with any such house or hospital, who shall have especially examined such person within three days after his reception into such house or hospital; and every person who, having received any person into any house or hospital as aforesaid upon the certificate of one medical practitioner alone, as aforesaid, shall keep or permit such person to remain in such house or hospital beyond the said period of three days without such further certificate as aforesaid, shall be guilty of a misdemeanour.

XLVIII. That no pauper shall be received into or detained in any licensed house, or any hospital, without an order and statement according to the form and stating the particulars required in Schedule (D.) annexed to this Act, under the hands of one Justice or an officiating clergyman, with the relieving officer or one of the overseers of the union or parish from which such pauper shall be sent, (which said Justice or which said clergyman and relieving officer or overseer, as the case may be, shall have personally examined such pauper previously to signing such order,) nor without a medical certificate according to the form in the said Schedule (D.) annexed to this Act, and dated not more than seven clear days previously to the reception of such pauper into such house or hospital; and every such certificate shall be signed by a physician, surgeon, or apothecary, (not being the medical officer of such parish or union) on the day whereon he shall examine such pauper; and every person who shall receive any pauper into any such house or hospital as aforesaid without such order and medical certificate as last aforesaid shall be guilty of a misdemeanour.

XLIX. That no physician, surgeon, or apothecary who, or whose father, brother, son, or partner, is wholly or partly the proprietor of or a regular professional attendant in a licensed house or an hospital, shall sign any certificate for the reception of a patient into such house or hospital; and no physician, surgeon, or apothecary who, or whose father, brother, son, or partner, shall sign the order hereinbefore required for the reception of a patient, shall sign any certificate for the reception of the same patient; and any physician, surgeon, or apothecary who shall sign any certificate contrary to any of the provisions hereinbefore contained, or without having complied with all the provisions hereby required in the case of the patient to whom the same shall relate, or who shall in such certificate describe his medical qualification untruly, or shall untruly state anything therein, shall be guilty of a misdemeanour.

L. That every proprietor or superintendent who shall receive any patient into any licensed house or any hospital shall, within two days after the reception of such patient, make an entry with respect to such patient in a book to be kept for that purpose to be called "The Book of Admissions," according to the form and containing the particulars required in Schedule (E.) annexed to this Act, so far as he can ascertain the same, except as to the form of the mental disorder, and except also as to the discharge or death of the patient, which shall be made when the same shall happen; and every person who shall so receive any such patient, and shall not within two days thereafter make such entry as aforesaid (except as aforesaid), shall forfeit a sum not exceeding 2*l*.; and every person who shall knowingly and willingly in any such entry untruly set forth any of the particulars shall be guilty of a misdemeanour.

LI. That the form of the mental disorder of every patient received into any licensed house or any hospital shall within seven days after his reception be entered in the said book of admissions by the medical attendant of such house or hospital; and every such medical attendant who shall omit to make any such entry within the time aforesaid shall for every such offence forfeit a sum not exceeding 2*l*.

LII. That the proprietor or resident superintendent of every licensed house (whether licensed by the Commissioners or by any Justices), and the superintendent of every hospital, shall after two clear days, and before the expiration of seven clear days from the day on which any patient shall have been received into such house or hospital, transmit a copy of the order and medical certificates or certificate on which such person shall have been received, and also a notice and statement according to the form in Schedule (F.) annexed to this Act, to the Commissioners; and the proprietor or resident superintendent of every house licensed within the jurisdiction of any visitors shall also within the same period transmit another copy of such order and certificates or certificate, and a duplicate of such notice and statement, to the clerk of the visitors; and every proprietor or superintendent of any such house or hospital who shall neglect to transmit such copy, notice, or statement to the Commissioners, or (where the same is required) to the clerk of the visitors, shall be guilty of a misdemeanour.

LIII. That whenever any patient shall escape from any licensed house or any registered hospital the proprietor or superintendent of such house or hospital shall within two clear days next after such escape transmit a written notice thereof to the Commissioners, and if such house be within the jurisdiction of any visitors then also to the clerk of such visitors; and such notice shall state the christian and surname of the patient who has so escaped, and his then state of mind, and also the circumstances connected with such escape; and if such patient shall be brought back to such house or hospital such proprietor or resident superintendent shall, within two clear days next after such person shall be so brought back transmit a written notice thereof to the Commissioners, and also, if such house be within the jurisdiction of any visitors, to the clerk of such visitors; and such notice shall state when such person was so brought back, and the circumstances connected therewith, and whether with or without a fresh order and certificates or certificate; and every proprietor or resident superintendent omitting to transmit such notice, whether of escape or of return, shall for every such omission forfeit a sum not exceeding 10*l*.

LIV. That whenever any patient shall be removed or discharged from any licensed house or any hospital, or shall die therein, the proprietor or superintendent of such house or hospital shall, within two clear days next after such removal, discharge, or death, make an entry thereof in a book to be kept for that purpose according to the form and stating the particulars in Schedule (G. 1.) annexed to this Act, and shall also within the same two days transmit a written notice thereof, and also of the cause of his death, to the Commissioners, and also, if such house shall be within the jurisdiction of any visitors, to the clerk of such visitors, according to the form and containing the particulars in Schedule (G. 2.) annexed to this Act; and every proprietor or superintendent of any such house or hospital who shall neglect to make such entry or transmit such notice or notices, or shall therein set forth anything untruly, shall be guilty of a misdemeanour.

**LV.** That in case of the death of any patient in any licensed house or any hospital, a statement of the cause of the death of such patient, with the name of any person present at the death, shall be drawn up and signed by the medical attendant of such house or hospital, and a copy thereof, duly certified by the proprietor or superintendent of such house or hospital, shall by him be transmitted to the Commissioners, and also to the person signing the order for such patient's confinement, and to the registrar of deaths for the district, and if such house be within the jurisdiction of any visitors, then also to the clerk of such visitors, within forty-eight hours after the death of such patient; and every medical attendant, proprietor, or superintendent who shall neglect or omit to draw up, sign, certify, or transmit such statement as aforesaid shall for every such neglect or omission forfeit and pay a sum not exceeding 50*l*.

**LVI.** That if any superintendent, officer, nurse, attendant, servant, or other person employed in any licensed house or registered hospital shall in any way abuse or ill-treat any patient confined therein, or shall wilfully neglect any such patient, he shall be deemed guilty of a misdemeanour; and that in the event of the release of any person from confinement in any asylum or private house who shall consider himself to have been unjustly confined, a copy of the certificates and order upon which he has been confined shall at his request be furnished to him or to his attorney by the clerk to the Commissioners, without any fee or reward for the same; and it shall be lawful for the Home Secretary, on the report of the Commissioners or visitors of any asylums, to direct Her Majesty's Attorney General to prosecute on the part of the Crown any person who shall have been concerned in the unlawful taking or confinement of any of Her Majesty's subjects as an insane patient, and likewise any person who shall have been concerned in the neglect or ill-treatment of any patient or person so confined.

**LVII.** That in every house licensed for one hundred patients or more there shall be a physician, surgeon, or apothecary resident as the superintendent or medical attendant thereof; and that every house licensed for less than one hundred or more than fifty patients (in case such house shall not be kept by or have a resident physician, surgeon, or apothecary,) shall be visited daily by a physician, surgeon, or apothecary; and that every house licensed for less than fifty patients (in case such house shall not be kept by or have a resident physician, surgeon, or apothecary,) shall be visited twice in every week by a physician, surgeon, or apothecary: Provided always, that it shall be lawful for the visitors of any licensed house to direct that such house, and for the Commissioners to direct that any licensed house, shall be visited by a physician, surgeon, or apothecary at any other time or times, not being oftener than once in every day.

**LVIII.** Provided and enacted, That when any house is licensed to receive less than eleven lunatics it shall be lawful for any two of the Commissioners or any two of the visitors of such house, if they shall respectively so think fit, by any writing under their hands, to permit that such house shall be visited by a physician, surgeon, or apothecary at such intervals more distant than twice in every week as such Commissioners or visitors shall appoint, but not at a greater interval than once in every two weeks.

**LIX.** That every physician, surgeon, or apothecary, where there shall be only one, keeping or residing in or visiting any licensed house or any hospital, and where there shall be two or more physicians, surgeons, or apothecaries keeping or residing in or visiting any licensed house or any hospital, then one at least of such physicians, surgeons, or apothecaries, shall once in every week (or, in the case of any house at which visits at more distant intervals than once a week are permitted, on every visit), enter and sign in a book to be kept at such house or hospital for that purpose to be called "The Medical Visitation Book," a report, shewing the date thereof, and also the number, sex, and state of health of all the patients then in such house or hospital, the christian and surname of every patient who shall have been under restraint, or in seclusion, or under medical treatment, since the date of the last preceding report, the condition of the house or hospital, and every death, injury, and act of violence which shall have happened to or affected any patient since the then last preceding report, according to the form in Schedule (H.) annexed to this Act; and every such physician, surgeon, or apothecary who shall omit to enter or sign such report as aforesaid shall for every such omission forfeit and pay the sum of 20*l*.; and every such physician, surgeon, or apothecary who shall in any such report as aforesaid enter anything untrue shall be guilty of a misdemeanour.

**LX.** That there shall be kept in every licensed house and in every hospital a book to be called "The Case Book," in which be physician, surgeon, or apothecary keeping or residing in or visiting such house or hospital shall from time to time make entries of the mental state and bodily condition of each patient, together with a correct description of the medicine and other remedies prescribed for the treatment of his disorder; and that it shall be lawful for the Commissioners from time to time, by any order under their common seal, to direct the form in which such case book shall be kept by such physician, surgeon, or apothecary; and immediately after a copy of such order shall have been transmitted by the secretary of the Commissioners such physician, surgeon, or apothecary, such physician, surgeon, or apothecary shall thereupon keep such case book in the form which shall be directed by such order; and that it shall be lawful for the Commissioners (whenever they shall see fit) require, by an order in writing under their common seal, such physician, surgeon, or apothecary to transmit to the Commissioners a correct copy of the entries or entry in any case book kept under the provisions of this Act, relative to the case of any lunatic who is or may have been confined in any such licensed house or hospital; and every such physician, surgeon, apothecary who shall neglect to keep the said case book, or to keep the same according to the form directed by the Commissioners, or to transmit a copy of the said entry or entries, pursuant to such order or orders as aforesaid, shall for every such neglect forfeit any sum not exceeding 10*l*.

**LXI.** That every licensed house shall, without any previous notice, be visited by two at least of the Commissioners (one of whom shall be a physician or surgeon, and the other a barrister,) four times at the least in every year, if such house shall be within the immediate jurisdiction of the Commissioners, and if not, twice at least in every year; and every hospital in which entries shall be received shall, without any previous notice, be visited by two at least of the said Commissioners (one of whom shall be a physician or surgeon, and the other a barrister,) once at least in every year; and every such visit shall be made on such day or days, and at such hours of the day, and for such length of time, as the visiting Commissioners shall think fit, and also at such other times (if any) as the said Commissioners in Lunacy shall direct; and such visiting Commissioners, when visiting such house or hospital, may and shall inspect every part of such house or hospital, and every outhouse,

place and building communicating with such house or hospital, or detached therefrom, but not separated by ground belonging to any other person, and every part of the ground or appurtenances held, used, or occupied therewith, and see every patient then confined in such house or hospital, and inquire whether any patient is under restraint, and why, and inspect the order and certificates or certificate for the reception of every patient who shall have been received into such house or hospital since the last visit of the Commissioners, and in the case of any house licensed by Justices shall consider the observations made in the visitors book for such house by the visitors appointed by the Justices, and enter in the visitors book of such house or hospital a minute of the then condition of the house or hospital, and of the patients therein, and the number of patients under restraint, with the reasons thereof, as stated, and such irregularity (if any) as may exist in any such order or certificates as aforesaid, and also whether the previous suggestions (if any) of the visiting Commissioners or visitors have or have not been attended to, and any observations which they may deem proper as to any of the matters aforesaid or otherwise, and also, if such visit be the first after the granting a licence to the house, shall examine such licence, and, if the same be in conformity with the provisions of this Act, sign the same, but if it be informal enter in such visitors book in what respect such licence is informal: Provided also, that it shall be lawful for the Lord Chancellor, on a representation by the Commissioners setting forth the expediency of such alteration, by any writing under his hand, to direct that any house licensed by Justices shall (during such period as he shall therein specify, or until such his direction shall be revoked,) be visited by the Commissioners once only in the year, and also to direct that any house licensed by the Commissioners, and not receiving any pauper patients therein, shall (during such period as he shall therein specify, or until such his direction shall be revoked,) be visited by the Commissioners twice only in the year.

LXII. That every licensed house within the jurisdiction of any visitors appointed by Justices shall be visited by two at least of the said visitors (one of whom shall be a physician, surgeon, or apothecary,) four times at the least in every year, on such days, and at such hours in the day, and for such length of time as the said visitors shall think fit, and also at such other times (if any) as the Justices by whom such house shall have been licensed shall direct; and such visitors when visiting any such house may and shall inspect every part of such house, and every house, outhouse, place, and building communicating therewith, or detached therefrom, but not separated by ground belonging to any other person, and every part of the ground or appurtenances held, used, or occupied therewith, and see every patient then confined therein, and inquire whether any patient is under restraint, and why, and inspect the order and certificates or certificate for the reception of every patient who shall have been received into such house since the last visit of the visitors, and enter in the visitors book a minute of the then condition of the house, of the patients therein, and the number of patients under restraint, with the reasons thereof as stated, and such irregularity (if any) as may exist in any such order or certificates as aforesaid, and also whether the previous suggestions (if any) of the visitors or visiting Commissioners have or have not been attended to, and any observations which they may deem proper as to any of the matters aforesaid or otherwise.

LXIII. That the proprietor or superintendent of every licensed house or hospital shall shew to the Commissioners and visitors respectively visiting the same every part thereof respectively, and every person detained therein as a lunatic; and every proprietor or superintendent of any licensed house or any hospital who shall conceal or attempt to conceal, or shall refuse or wilfully neglect to shew, any part of such house or hospital, or any house, outhouse, place, or building communicating therewith, or detached therefrom, but not separated as aforesaid, or any part of the ground or appurtenances held, used, or occupied therewith, or any person detained or being therein, from any visiting Commissioners or visitors, or from any person authorized under any power or provision of this Act to visit and inspect such house or hospital, or the patients confined therein or any of them, shall be guilty of a misdemeanour.

LXIV. That the visiting Commissioners and visitors respectively, upon their several visitations to every licensed house and to every hospital, shall inquire when Divine Service is performed, and to what number of the patients, and the effect thereof; and also what occupations or amusements are provided for the patients, and the result thereof; and whether there has been adopted any system of non-coercion, and, if so, the result thereof; and also as to the classification of patients; and also as to the condition of the pauper patients (if any) when first received; and also as to the dietary of the pauper patients (if any); and shall also make such other inquiries as to such visiting Commissioners or visitors shall seem expedient; and every proprietor or superintendent of a licensed house or an hospital who shall not give full and true answers to the best of his knowledge to all questions which the visiting Commissioners and visitors respectively shall ask in reference to the matters aforesaid shall be guilty of a misdemeanour.

LXV. That upon every visit of the visiting Commissioners to any licensed house or to any hospital, and upon every visit of the visitors to any licensed house, there shall be laid before such visiting Commissioners or visitors (as the case may be), by the proprietor or superintendent of such licensed house or of such hospital, a list of all the patients then in such house or hospital (distinguishing pauper patients from other patients, and males from females, and specifying such as are deemed curable), and also the several books by this Act required to be kept by the proprietor or superintendent and by the medical attendant of a licensed house or an hospital, and also all orders and certificates relating to patients admitted since the last visitation of the Commissioners or visitors (as the case may be), and also, in the case of a licensed house, the licence then in force for such house, and also all such other orders, certificates, documents, and papers relating to any of the patients at any time received into such licensed house or hospital as the visiting Commissioners or visitors shall from time to time require to be produced to them; and the said visiting Commissioners or visitors, as the case may be, shall sign the said books as having been produced to them.

LXVI. That there shall be hung up in some conspicuous part of every licensed house a copy of the plan given to the Commissioners or Justices on applying for the licence for such house; and that there shall be kept in every licensed house and in every hospital in which lunatics shall be received a Queen's printer's copy of this Act, bound up in a book to be called "The Visitors' Book," and that the said visiting Commissioners and visitors respectively shall at the time of their respective visitations enter therein the result of the inspections and inquiries hereinbefore directed or authorized to be made by them respectively, with such observations (if any) as they shall think proper; and that there shall also be kept in every such house

and hospital a book to be called "The Patients Book," and that the said visiting Commissioners and visitors respectively shall at the times of their respective visitations enter therein such observations as they may think fit respecting the state of mind or body of any patient in such house or hospital.

LXVII. That the proprietor or resident superintendent of every licensed house and of every hospital shall, within three days after every such visit by the visiting Commissioners as aforesaid, transmit a true and perfect copy of the entries made by them in "The Visitors Book," "The Patients Book," and "The Medical Visitation Book" respectively (distinguishing the entries in the several books) to the Commissioners, and shall, within three days after every such visitation by the visitors, transmit a true and perfect copy of the entries made by them as aforesaid (distinguishing as aforesaid) to the Commissioners and also to the clerk of the visitors; and the copies so transmitted to the clerk of the visitors of all such entries relating to any licensed house, and made since the grant or last renewal of the licence thereof, shall be laid before the Justices on taking into consideration the renewal of the licence to the house to which such entries shall relate; and every such proprietor or superintendent as aforesaid who shall omit to transmit, as hereinbefore directed, a true and perfect copy of every or any such entry as aforesaid, shall for every such omission forfeit a sum not exceeding 10*l*.

LXVIII. That the Commissioners visiting any house licensed by Justices shall carefully consider and give special attention to the state of mind of any patient therein confined, as to the propriety of whose detention they shall doubt (or as to whose sanity their attention shall be specially called), and shall, if they shall think that the state of mind of such patient is doubtful, and that the propriety of his detention requires further consideration, make and sign a minute thereof in the patients book of such house; and a true and perfect copy of every such minute shall, within two clear days after the same shall have been made, be sent by the proprietor or superintendent of such house to the clerk of the visitors of such house, and such clerk shall forthwith communicate the same to the said visitors, or some two of them (of whom a physician, surgeon, or apothecary shall be one), and such visitors shall thereupon immediately visit such patient, and act as they shall see fit; and every such proprietor or superintendent who shall omit to send a true and perfect copy, as hereinbefore directed, of every or any such last-mentioned minute, and every clerk who shall neglect to communicate the same to two of the visitors as aforesaid, shall be guilty of a misdemeanour.

LXIX. That the visiting Commissioners shall, after every visitation by them to every licensed house not being within their immediate jurisdiction, and to every hospital, report in writing the general result of their inspection thereof (together with such special circumstances, if any, as they may deem proper to notice,) to the Commissioners, and the secretary of the Commissioners shall thereupon enter the same in a book to be kept for that purpose.

LXX. That it shall be lawful for the Commissioners or any five of them, at any quarterly or special meeting, by any resolution or resolutions under their common seal, or to be entered in a book to be kept for that purpose, and signed by five at least of the Commissioners present at such meeting, from time to time to make such orders and rules as they shall think fit for regulating the duties of the Commissioners or any of them, or of their secretary, clerks, and servants, or for the due or better performance of the business of the commission: Provided nevertheless, that the Secretary of the Commissioners shall give to every Commissioner, so far as circumstances will admit, not less than seven days' notice of every such special meeting, and shall in the summons for such special meeting state the purposes for which the same is intended to be held.

LXXI. That it shall be lawful for any two or more of the Commissioners, or any two visitors, to visit and to inspect any licensed house or hospital at such hour of the night as they shall think fit: Provided nevertheless, that no such visitor shall make any such visitation or inspection except of a licensed house within their jurisdiction.

LXXII. That if and when any person who signed the order on which any patient (not being a pauper) was received into any licensed house or into any hospital shall by writing under his hand direct that such patient shall be discharged or removed, and in such case such patient shall forthwith be discharged or removed, as the person who signed the order for his reception shall direct.

LXXIII. That if the person who signed the order on which any patient (not being a pauper) was received into any licensed house or into any hospital be incapable by reason of insanity or absence from England, or otherwise, of giving an order for the discharge or removal of such patient, or if such person be dead, then and in any of such cases the husband or wife of such patient, or if there be no such husband or wife, the father of such patient, or if there be no father, the mother of such patient, or if there be no mother, then any one of the nearest of kin for the time being of such patient, or the person who made the last payment on account of such patient, may by any writing under his or her hand give such direction as aforesaid for the discharge or removal of such patient, and thereupon such patient shall be forthwith discharged or removed as the person giving such direction shall direct.

LXXIV. That the guardians of any parish or union may by a minute of their board, or an officiating clergyman of any parish or under a board of guardians, and one of the overseers thereof, or any two Justices of the county or borough in which such mentioned parish is situate, may by writing under the hands respectively of such clergyman and overseer or of such Justices direct that any pauper patient belonging to such parish or union, and detained in any licensed house or any hospital, shall be discharged or removed therefrom, and may direct the mode of such discharge or removal; and if a copy of such minute or such writing be produced to the proprietor or superintendent of such licensed house or such hospital, he shall forthwith discharge or remove such patient, or cause or suffer such patient to be discharged or removed accordingly.

LXXV. Provided nevertheless, and enacted, That no patient shall be discharged or removed, under any of the powers hereinbefore contained, from any licensed house or any hospital, if the physician, surgeon, or apothecary by whom the same shall be kept, or who shall be the regular medical attendant thereof, shall by writing under his hand certify that in his opinion such patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the Commissioners visiting such house or the visitors of such house shall, after such certificate shall have been produced to them, give their consent in writing that such patient shall be discharged or removed; provided that nothing herein contained shall prevent any patient from being transferred from any licensed house or any hospital, to any other licensed house or any other

hospital, or to any asylum, but in such case every such patient shall be placed under the controul of an attendant belonging to the licensed house, hospital, or asylum to or from which he shall be about to be removed for the purpose of such removal, and shall remain under such controul until such time as such removal shall be duly effected.

LXXVI. That it shall be lawful for any two or more of the Commissioners to make visits to any patient detained in any house licensed by the Commissioners, on such days and at such hours as they shall think fit; and if after two distinct and separate visits so made (seven days at least to intervene between such visits) it shall appear to such visiting Commissioners that such patient is detained without sufficient cause, it shall be lawful for the Commissioners, if they shall think fit, to make such order as to the Commissioners shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

LXXVII. That it shall be lawful for any two or more of the Commissioners, of whom one shall be a physician and one a barrister, to make special visits to any patient detained in any house licensed by the Justices or in any hospital, on such days and at such hours as they shall think fit; and if after two distinct and separate visits so made it shall appear to such visiting Commissioners that such patient is detained without sufficient cause, they may make such order as to them shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

LXXVIII. That it shall be lawful for any two or more of the visitors of any licensed house, of whom one shall be a physician, surgeon, or apothecary, to make special visits to any patient detained in such house, on such days and at such hours as they shall think fit; and if after two distinct and separate visits so made it shall appear to such visitors that such patient is detained without sufficient cause, they may make such order as to them shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

LXXIX. Provided and enacted, That every such order by any Commissioners or visitors for the discharge of a patient from any house licensed by Justices, or from any hospital, shall be signed by them, and that each of such special visits shall be by the same Commissioners or visitors; and that it shall not be lawful for such Commissioners or visitors to order the discharge of any patient from any such last-mentioned house or hospital without having previously, if the medical attendant of such house or hospital shall have tendered himself for that purpose, examined him as to his opinion respecting the fitness of such patient to be discharged; and if such Commissioners or visitors shall, after so examining such medical attendant, discharge such patient, and such medical attendant shall furnish them with any statement in writing containing his reasons against the discharge of such patient, they shall forthwith transmit such statement to the Commissioners or to the clerk of the visitors, as the case may require, to be kept and registered in a book for that purpose.

LXXX. Provided and enacted, That not less than seven days shall intervene between the first and second of such special visits; and that such Commissioners or visitors shall, seven days previously to the second of such special visits, give notice thereof, either by post or by an entry in the Patients Book, to the proprietor or superintendent of the house licensed by Justices or of the hospital in which the patient intended to be visited is detained; and that such proprietor or superintendent shall forthwith, if possible, transmit by post a copy of such notice, in the case of a patient not being a pauper, to the person by whose authority such patient was received into such house, or by whom the last payment on account of such patient was made, and in the case of a pauper, to the guardians of his parish or union, or if there be no such guardians, to one of the overseers for the time being of his parish, and also in the case of any patient detained in a house licensed by Justices, to the clerk of the visitors of such house.

LXXXI. Provided nevertheless, and enacted, That none of the powers of discharge hereinbefore contained shall extend to any person who shall have been found lunatic by inquisition or under any inquiry directed by the Lord Chancellor, in pursuance of the powers in that behalf hereinafter given to him, nor to any lunatic confined under any order or authority of Her Majesty's principal Secretary of State for the Home Department, or under the order of any court of criminal jurisdiction.

LXXXII. That it shall be lawful for the visitors of any licensed house at any time to determine and regulate the dietary of the pauper patients therein; and that it shall be lawful for the visiting Commissioners at any time to determine and regulate the dietary of the pauper patients in any licensed house or in any hospital; and that if such determination and regulation of any visitors and of the visiting Commissioners shall not agree with each other, then the determination and regulation of the visiting Commissioners shall be followed: Provided always, nevertheless, that every such regulation shall be made to take effect only from such time as not to affect any contract existing on the 1st of June last for the maintenance of pauper patients before the 1st of June 1846, or the expiration of such contract, whichever shall first happen.

LXXXIII. That if any person shall apply to any visitor in order to be informed whether any particular person is confined in any licensed house within the jurisdiction of such visitor, the said visitor, if he shall think it reasonable to permit such inquiry to be made, shall sign an order to the clerk of the visitors, and the said clerk shall, on receipt of such order, and on payment to him of a sum not exceeding 7s. for his trouble, make search amongst the returns made to him in pursuance of this Act whether the person inquired after is or has been within the then last twelve calendar months confined in any licensed house within the jurisdiction of such visitor; and if it shall appear that such person is or has been so confined the said clerk shall deliver to the person so applying a statement in writing, specifying the situation of the house in which the person so inquired after appears to be or to have been confined, and of the name of the proprietor or resident superintendent thereof, and also the date of the admission of such person into such licensed house, and (in case of his having been removed or discharged) the date of his removal or discharge therefrom.

LXXXIV. That if any person shall apply to any Commissioner in order to be informed whether any particular person is confined in any licensed house, or in any hospital, asylum, or other place by this Act made subject to the visitation of the Commissioners, such Commissioner, if he shall think it reasonable to permit such inquiry to be made, shall sign an order to the secretary of the Commissioners, and the secretary shall, on the receipt of such order, and on payment to him of a sum not exceeding 7s. (to be applied as hereinbefore provided), make search amongst the returns made in pursuance of this Act

or of any of the Acts hereby repealed, whether the person inquired after is or has been within the last twelve calendar months confined in any house, hospital, asylum, or place by this Act made subject to the visitation of the Commissioners; and if it shall appear that such person is or has been so confined the secretary shall deliver to the person so applying a statement in writing, specifying the situation of the house, hospital, asylum, or place in which the person so inquired after appears to be or to have been confined, and also (so far as the said secretary can ascertain the same from any register or return in his possession) the name of the proprietor, superintendent, or principal officer of such house, hospital, asylum, or place, and also the date of the admission of such person into such licensed house, hospital, asylum, or other place, and (in case of his having been removed or discharged) the date of his removal or discharge therefrom.

XXXV. That it shall be lawful for any one of the Commissioners, as to patients confined in any house, hospital, or other place (not being a gaol) hereby authorized to be visited by the Commissioners, and also for any one of the visitors of any licensed house as to patients confined in such house, at any time to give an order in writing under the hand of such one Commissioner or visitor for the admission to any patient of any relation or friend of such patient (or of any medical or other person whom any relation or friend of such patient shall desire to be admitted to him), and such order of admission may be either for a single admission, or for an admission for any limited number of times, or for admission generally at all reasonable times, and either with or without any restriction as to such admission or admissions being in the presence of a keeper or not, or otherwise; and if the proprietor or superintendent of any such house, hospital, or place shall refuse admission to, or shall prevent or obstruct the admission to any patient of, any relation, friend, or other person who shall produce such order of admission as aforesaid, he shall for every such refusal, prevention, or obstruction forfeit a sum not exceeding 20*l*.

XXXVI. That it shall be lawful for the proprietor or superintendent of any licensed house or of any hospital, with the consent in writing of any two of the Commissioners, or in the case of a house licensed by Justices of any two of the visitors of such house, to send or take, under proper controul, any patient to any specified place for any definite time for the benefit of his health: Provided always, nevertheless, that before any such consent as aforesaid shall be given by any Commissioners or visitors the approval in writing of the person who signed the order for the reception of such patient, or by whom the past payment on account of such patient was made, shall be produced to such Commissioners or visitors, unless they shall, on cause being shewn, dispense with the same.

XXXVII. That in every case in which any patient shall, under any of the powers or provisions of this Act, be removed temporarily from the house or hospital into which the order for his reception was given, or be transferred from such house or hospital into any new house, and also in every case in which any patient shall escape from any house or hospital, and shall be retaken within fourteen days next after such escape, the certificate or certificates relating to and the original order for the reception of such patient respectively remain in force, in the same manner as the same would have done if such patient had not been so removed or transferred, or had not so escaped or been retaken.

XXXVIII. That the Commissioners shall, at the expiration of every six calendar months, report to the Lord Chancellor the number of visits which they shall have made, the number of patients whom they shall have seen, and the number of miles which they shall have travelled during such months, and shall on the 1st of January in each year make a return to the Lord Chancellor of all sums received by them for travelling expenses, or upon any other and what account, and shall also in the month of June in every year make to the Lord Chancellor a report of the state and condition of the several houses, hospitals, asylums, and other places visited by them under this Act, and of the care of the patients therein, and of such other particulars as they shall think deserving of notice; and a true copy of such reports, shewing the number of visits made, the number of patients seen, and the number of miles travelled, and also a copy of such return of sums received for travelling expenses, or on any other and what account, shall be laid before Parliament within twenty-one days next after the commencement of every session of Parliament.

XXXIX. That the permanent chairman for the time being of the Commissioners, and two other of the Commissioners to be appointed by the Lord Chancellor from time to time as occasion may require (one of whom shall be a physician or surgeon, and the other a barrister), shall be a committee, to be called "The Private Committee," for the purposes hereinbefore mentioned.

XC. That no person (unless he be a person who derives no profit from the charge, or a committee appointed by the Lord Chancellor) shall receive to board or lodge in any house, other than an hospital registered under this Act, or an asylum, or house licensed under this Act or under one of the Acts hereinbefore repealed, or take the care or charge of any one patient who is a lunatic or alleged lunatic, without the like order and medical certificates in respect of such patient as are hereinbefore required on the reception of a patient (not being a pauper) into a licensed house; and that every person (except a person deriving no profit from the charge, or a committee appointed by the Lord Chancellor,) who shall receive to board or lodge in any unlicensed house, not being a registered hospital or an asylum, or take the care or charge of any one patient as a lunatic or alleged lunatic, shall, within seven clear days after so receiving or taking such patient, transmit to the secretary of the Commissioners a true and perfect copy of the order and medical certificates on which such patient has been so received, and a statement of the date of such reception, and of the situation of the house into which such patient has been received, and of the christian and surname and occupation of the occupier thereof and of the person by whom the care and charge of such patient has been taken; and every such patient shall at least once in every two weeks be visited by a physician, surgeon, apothecary not deriving, and not having a partner, father, son, or brother who derives, any profit from the care or charge of such patient; and such physician, surgeon, or apothecary shall enter in a book to be kept at the house or hospital for that purpose, to be called "The Medical Visitation Book," the date of each of his visits, and a statement of the condition of the patient's health, both mental and bodily, and of the condition of the house in which such patient is, and such book shall be produced to the visiting Commissioner on every visit, and shall be signed by him as having been so produced; and the person to whom the care or charge of such patient has been taken, or into whose house he has been received as aforesaid, shall transmit to the secretary of the Commissioners the same notices and statements of the death, removal, escape, and recapture of such lunatic, and within the same periods, as are hereinbefore required in the case of the death, removal, escape, and

recapture of a patient (not being a pauper) received into a licensed house; and that every person who shall receive into an unlicensed house, not being a registered hospital nor an asylum, or take the care or charge of any person therein as a lunatic, without first having such order and medical certificates as aforesaid, or who, having received any such patient, shall not within the several periods aforesaid transmit to the secretary of the Commissioners such copy, statement, and notices as aforesaid, or shall fail to cause such patient to be so visited by a medical attendant as aforesaid, and every such medical attendant who shall make an untrue entry in the said medical visitation book, shall be guilty of a misdemeanour.

xcI. That the secretary to the Commissioners shall preserve every copy transmitted as aforesaid of the order and certificates for the reception of any patient as a lunatic into an unlicensed house, and every statement and notice which may be transmitted to such secretary with respect to any such patient as aforesaid, and shall enter the same (in such form as the private committee shall direct) in a book to be kept for that purpose, to be called "The Private Register," and such private register shall be kept by such secretary in his own custody, and shall be inspected only by the members for the time being of the said private committee, and by such other persons as the Lord Chancellor shall by writing under his hand appoint.

xcII. That it shall be lawful for any one member of the said private committee, on the direction of such committee, or of any two members thereof (of whom the one member aforesaid may be one), at all reasonable times to visit every or any unlicensed house in which one patient only is received as a lunatic (unless such patient be so received by a person deriving no profit from the charge, or by a committee appointed by the Lord Chancellor), and to inquire and report to the said private committee on the treatment and state of health, both bodily and mental, of such patient; and a copy of every or any such report shall be entered in a private register, to be kept for that purpose, by the secretary of the Commissioners, and another copy thereof shall, if such private committee think it expedient, be laid before the Lord Chancellor.

xcIII. That it shall be lawful for the Lord Chancellor, on the representation of the said private committee, accompanied with a copy of a report made as last aforesaid as to any patient received or detained as a lunatic in an unlicensed house as aforesaid, to make an order that such patient shall be removed from such house, and from the care and charge of the person under whose care and charge such lunatic may be; and any person detaining such lunatic in such house, or in such care or charge, for the space of three days after a copy of such order shall have been left at such house or served on such person, shall be guilty of a misdemeanour.

xcIV. That whenever the Commissioners shall have reason to suppose that the property of any person detained or taken charge of as a lunatic is not duly protected, or that the income thereof is not duly applied for his maintenance, such Commissioners shall make such inquiries relative thereto as they shall think proper, and report thereon to the Lord Chancellor.

xcv. That when any person shall have been received or taken charge of as a lunatic upon an order and certificate or an order and certificate, in pursuance of the provisions of this Act, or of any Act hereinbefore repealed, and shall either have been detained as a lunatic for the twelve months then last past, or shall have been the subject of a report by the Commissioners in pursuance of the provision lastly hereinbefore contained, it shall be lawful for the Lord Chancellor to direct that one of the said Masters in Lunacy shall, and thereupon one of the said Masters shall personally examine such person, and shall take such evidence and call for such information as to such Master shall seem necessary to satisfy him whether such person is a lunatic, and shall report thereon to the Lord Chancellor, and such report shall be filed with the secretary of lunatics; and it shall be lawful for the Lord Chancellor from time to time to make orders for the appointment of a guardian, or otherwise for the protection, care, and management of the person of any person who shall by any such report as last aforesaid be found to be a lunatic, and such guardian shall have the same powers and authorities as a committee of the person of a lunatic found such by inquisition now has, and also to make orders for the appointment of a receiver, or otherwise for the protection, care, and management of the estate of such lunatic, and such receiver shall have the same powers and authorities as a receiver of the estate of a lunatic found such by inquisition now has, and also to make orders for the application of the income of such lunatic, or a sufficient part thereof, for his maintenance and support, and in payment of the costs, charges, and expenses attending the protection, care, and management of the person and estate of such lunatic, and also as to the investment or other application for the purpose of accumulation of the overplus, if any, of such income, for the use of such lunatic, as to the Lord Chancellor shall from time to time in each case seem fit: Provided always, that such protection, care, and management shall continue only during such time as such lunatic shall continue to be detained as a lunatic upon an order and certificates or certificate as aforesaid, and for such further time, not exceeding six months, as the Lord Chancellor may fix: Provided also, that it shall be lawful for the Lord Chancellor in any such case, either before or after directing such inquiry by such Master as aforesaid, and whether such Master shall have made a report as aforesaid or not, to direct a commission in the nature of a writ de lunatico inquirendo to issue, to inquire of the lunacy of such person.

xcvi. That such Masters shall have power, in the prosecution of all inquiries and matters which may be referred to them as aforesaid or otherwise under this Act, to summon persons before them, and to administer oaths, and take evidence, either *viâ voce* or on affidavit, and to require the production of books, papers, accounts, and documents; and that the Lord Chancellor may by any order (either general or particular) refer to the said Masters any inquiries under the provisions of this Act relating to the person and estate of any lunatic as to whom a report shall be made by a Master as aforesaid, in the manner as inquiries relating to the persons and estates of lunatics found such by inquisition are now referred to them.

xcvII. That it shall be lawful for the Lord Chancellor from time to time to make such orders as shall to him seem fit for regulating the form and mode of proceeding before the Lord Chancellor and before the said Masters, and of any other proceedings pursuant to the provisions of this Act, for the due protection, care, and management of the persons and estates of lunatics as to whom such reports shall be made by the said Masters as aforesaid, and also for fixing, altering, and discontinuing the fees to be received and taken in respect of such proceedings, as to the Lord Chancellor shall from time to time seem fit: Provided nevertheless, that all fees to be so received and taken shall be paid into the Bank of England, and placed to the credit of the accountant-general of the Court of Chancery, to the account intituled "The Sutors Fee Fund Account."



in like manner as and together with the fees payable under the Act, 5 & 6 Vict. c. 84, intituled, 'An Act to alter and amend the Practice and Course of Proceeding under Commissions in the Nature of Writs De lunatico inquirendo,' and be applied in like manner as such last-mentioned fees.

xcviii. That the travelling and other expenses of the said Masters and their clerks shall be paid to them, by virtue of any order or orders of the Court of Chancery, out of the said fund intituled "The Sutors Fee Fund Account," in the same manner as their expenses under the said last-mentioned Act.

xcix. That every proprietor and superintendent of a licensed house or registered hospital, and every other person hereby or by any of the Acts hereinbefore repealed authorized to receive or take charge of a lunatic upon an order, and who shall receive or has received a proper order, in pursuance of this Act or any of the said repealed Acts, accompanied with the required medical certificates or certificate, for the reception or taking charge of any person as a lunatic, and the assistants and servants of such proprietor, superintendent, or other person, shall have power and authority to take charge of, receive, and detain such patient until he shall die, or be removed or discharged by due authority, and in case of the escape at any time or times of such patient to retake him at any time within fourteen days after such escape, and again to detain him as aforesaid; and in every writ, indictment, information, action, and other proceeding which shall be preferred or brought against any such proprietor, superintendent, or other person authorized as aforesaid, or against any assistant or servant of any such proprietor, superintendent, or authorized person, for taking, confining, detaining, or retaking any person as a lunatic, the party complained of may plead such order and certificates or certificate in defence to any such writ, indictment, information, action, or other proceeding as aforesaid, and such order and certificates or certificate shall, as respects such writ, be a justification for taking, confining, detaining, or retaking such lunatic or alleged lunatic.

c. That it shall be lawful for the Commissioners, or any two of them, and also for the visitors of any licensed house, or any two of such visitors, from time to time, as they shall see occasion, to require, by summons under the common seal of the commission, if by the Commissioners, and if by two only of the Commissioners or by two visitors, then under the hands and seals of such two Commissioners or two visitors, as the case may be, (according to the form in Schedule (I.) annexed to this Act, or as near thereto as the case will permit,) any person to appear before them to testify on oath the truth touching any matters respecting which such Commissioners and visitors respectively are by this Act authorized to inquire (which oath such Commissioners or visitors are hereby empowered to administer); and every person who shall not appear before such Commissioners or visitors pursuant to such summons, or shall not assign some reasonable excuse for not so appearing, or shall appear and refuse to be sworn or examined, shall, on being convicted thereof before one of Her Majesty's Justices for the county or borough within which the place at which such person shall have been by such summons required to appear and give evidence is situate, shall for every such neglect or default forfeit a sum not exceeding 50*l*.

1. That it shall be lawful for any Commissioners or visitors who shall summon any person to appear and give evidence aforesaid to direct the secretary of the Commissioners or the clerk of such visitors, as the case may be, to pay to such person all reasonable expenses of his appearance and attendance in pursuance of such summons, the same to be considered expenses incurred by such Commissioners and visitors respectively in the execution of this Act, and to be taken into account and paid accordingly.

ii. That every complaint or information of or for any offence against this Act, where any pecuniary penalty is hereby imposed, (except when hereby otherwise provided for,) may be made before one Justice; and when any person shall be charged upon oath before a Justice for any such offence against this Act, such Justice may summon the person charged to appear at a time and place to be named in such summons, and if he shall not appear accordingly, and upon proof of the due issue of the summons (either personally or by leaving the same at his last or usual place of abode) any two Justices may proceed to hear and determine the case, or may issue their warrant for apprehending such person, and bringing him before any two Justices; and any two Justices shall and may, upon the appearing of such person pursuant to such summons, or upon such person being apprehended with such warrant, or upon the non-appearance of such person, hear the matter of every such complaint or information, and make any such determination thereon as such Justices shall think proper; and upon conviction of any person such Justices may, if they shall think fit, reduce the amount of the penalty by this Act imposed for such offence to any sum not less than one-fourth of the amount thereof, and shall and may issue a warrant under their hands and seals for levying such penalty, or reduced penalty, and all costs and charges of such summons, warrant, hearing and all incidental costs and charges, by distress and sale of the goods and chattels of the person so convicted; it shall be lawful for any such two Justices to order any person so convicted to be detained and kept in the custody of any constable or other peace officer until return can be conveniently made to such warrant of distress, unless the said offender give security, to the satisfaction of such Justices, by way of recognizance or otherwise, for his appearance before such Justices on such day as shall be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security; but if upon the return of such warrant of distress it shall appear that no sufficient distress can be had whereupon to levy the said penalty, and such costs and charges as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Justices, either by the confession of the offender or otherwise, that the offender hath not sufficient goods and chattels whereupon the said penalty, costs, and charges may be levied, such Justices shall and may, by warrant under their hands and seals, commit such offender to the common house of correction for any term not exceeding three calendar months, unless such penalty, and all such costs and charges as aforesaid, shall be sooner paid; and all such penalties, when recovered, shall be paid, when the complaint or information shall be laid or brought by or by the direction of the Commissioners, to the secretary of the Commissioners, to be by him applied and accounted for as hereinbefore directed with respect to monies received for licences granted by the Commissioners, and when the complaint or information shall be laid or brought by the direction of any visitors, to the clerk of peace for the county or borough, to be by him applied and accounted for as hereinbefore directed with respect to monies received for licences granted by the Justices of such county or borough; and the overplus (if any) arising from such sums as and sale, after payment of the penalty and all costs and charges as aforesaid, shall be paid, upon demand, to the owner of the goods and chattels so distrained.



CIII. That the Justices before whom any person shall be convicted of any offence against this Act for which a pecuniary penalty is imposed may cause the conviction to be drawn up in the following form, or in any other form to the same effect, as the case may require; and that no conviction under this Act shall be void through want of form:

'Be it remembered, That on the \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord \_\_\_\_\_ at \_\_\_\_\_ in the County [or Borough] of \_\_\_\_\_ A. B. was convicted before us \_\_\_\_\_ of Her Majesty's Justices and we \_\_\_\_\_ of the Peace for the said County [or Borough], for that he the said \_\_\_\_\_ did \_\_\_\_\_ the said \_\_\_\_\_ adjudge the said \_\_\_\_\_ for his Offence to pay the Sum of \_\_\_\_\_.'

civ. Provided and enacted, That any person who shall think himself aggrieved by any order or determination of any Justices under this Act may, within four calendar months after such order made or given, appeal to the Justices at General or Quarter Sessions, the person appealing having first given at least fourteen clear days' notice in writing of such appeal, and the nature and matter thereof, to the person appealed against, and forthwith after such notice entering into a recognizance before some Justice, with two sufficient sureties, conditioned to try such appeal, and to abide the order and award of the said Court thereupon; and the said Justices at General or Quarter Sessions, upon the proof of such notice and recognizance having been given and entered into, shall in a summary way hear and determine such appeal, or, if they think proper, adjourn the hearing thereof until the next General or Quarter Sessions, and, if they see cause, may mitigate any penalty to not less than one-fourth of the amount imposed by this Act, and may order any money to be returned which shall have been levied in pursuance of such order or determination, and shall and may also award such further satisfaction to be made to the party injured, or such costs to either of the parties, as they shall judge reasonable and proper; and all such determinations of the said Justices at General or Quarter Sessions shall be final, binding, and conclusive upon all parties to all intents and purposes whatsoever.

cv. That if any action or suit shall be brought against any person for anything done in pursuance of this Act or of any of the Acts hereby repealed, the same shall be commenced within twelve calendar months next after the release of the party bringing the action, and shall be laid or brought in the county or borough where the cause of action shall have arisen, and not elsewhere; and the defendant in every such action or suit may, at his election, plead specially or the general issue not guilty, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if the same shall appear to be so done, or that such action or suit shall be brought in any other county or borough than as aforesaid, or shall not have been commenced within the time before limited for bringing the same, then the jury shall find a verdict for the defendant; and upon a verdict being so found, or if the plaintiff shall be nonsuited, or discontinue his action or suit after the defendant shall have appeared, or if upon demurrer judgment shall be given against the plaintiff, then the defendant shall recover double costs, and have such remedy for recovering the same as any defendant hath or may have in any other cases by law.

cvi. That it shall be lawful for the secretary of the Commissioners, on their order, to prosecute any person for any offence against the provisions of this Act, and to sue for and recover any penalty to which any person is made liable by this Act; and all penalties sued for and recovered by such secretary shall be paid to him, and be by him applied and accounted for as hereinbefore directed with respect to monies received for licences granted by the Commissioners; and that it shall be lawful for the clerk of any visitors, on their order, to prosecute any person for any offence against the provisions of this Act committed within the jurisdiction of such visitors, and to sue for and recover any penalty to which any person within the jurisdiction of such visitors is made liable by this Act; and all penalties sued for and recovered by any such clerk shall be paid to him, and be by him paid to the clerk of the peace for such county or borough, and be by such clerk of the peace applied and accounted for as hereinbefore directed with respect to monies received for licences by such clerk of the peace; and it shall not be lawful for any one to prosecute any person for any offence against the provisions of this Act, or to sue for any penalty to which any person is made liable by this Act, except by order of the Commissioners or of visitors having jurisdiction in the place where the cause of prosecution has arisen or the penalty been incurred, or with the consent of Her Majesty's Attorney General or Solicitor General for England for the time being.

cvi. That, notwithstanding the repeal of the several Acts hereinbefore repealed, every offence heretofore committed against any of the provisions of any of the same Acts may be prosecuted, and every penalty heretofore incurred by any person for any offence against the provisions of any of the same Acts may be sued for and recovered, by the secretary of the Commissioners, in the same manner and with all the same powers and rights as if such offence had been committed or such penalty incurred for an offence against the provisions of this Act; and every penalty so recovered shall be applied in the same manner as a penalty recovered for an offence against the provisions of this Act.

cvi. That when any person shall be proceeded against, under the provisions of this Act, for omitting to transmit or send any copy, list, notice, statement, or other document hereinbefore required to be transmitted or sent by such person, and any person shall prove by the testimony of one witness upon oath that the copy, list, notice, statement, or document in respect of which such proceeding is taken was put into the post in due time, or (in case of documents required to be transmitted or sent to the Commissioners or a clerk of the peace) left at the office of the Commissioners or of the clerk of the peace, and shall have been properly addressed, such proof shall be a bar to all further proceeding in respect of such omission.

cix. That the costs, charges, and expenses incurred by or under the authority or order of the Commissioners in proceedings under this Act shall be paid by the secretary of the Commissioners, and included by him in the account of receipts and payments hereinbefore directed to be kept by him; and that the costs, charges, and expenses incurred by or under the authority of any visitors in proceedings under this Act shall be paid by the clerk of the peace of their county or borough, and included by him in the account of receipts and payments hereinbefore directed to be kept by him.

cx. That two or more of the Commissioners, one at least of whom shall be a physician or surgeon, and one at least a barrister, shall and may, once or oftener in each year, on such day or days, and at such hours of the day, and for such length of time as they shall think fit, visit every asylum for lunatics, and every gaol in which there shall be or alleged to be any lunatic, and shall inquire whether the provisions of the law have been carried out as to the construction of each asylum visited, and as to its visitation and management, and also as to the regularity of the admissions and discharges of patients therein.

therefrom; and whether Divine Service is performed therein; and whether any system of coercion is in practice therein, and the result thereof; and as to the classification or non-classification of patients therein, and the number of attendants on each class; and as to the occupations and amusements of the patients, and the effects thereof; and as to the condition, as well mental as bodily, of the pauper patients when first received; and also as to the dietary of the pauper patients; and shall also make such other inquiries as to every or any such asylum, and all such inquiries as to the lunatics in any gaol, as to such visiting Commissioners shall seem meet.

cxI. That two or more of the Commissioners, one at least of whom shall be a physician or surgeon, and one at least a barrister, shall and may, once or oftener in each year, on such day or days, and such hours in the day, and for such length of time as they shall think fit, visit every parish and union workhouse in which there shall be or alleged to be any lunatic, and shall inquire whether the provisions of the law as to lunatics have been carried out as to the arrangements, visitation, and management of such workhouse, and as to the dietary, accommodation, and treatment of the lunatics in such workhouse, and shall report in writing thereon to the Poor Law Commissioners for England and Wales.

cxII. That it shall be lawful for the Lord Chancellor, in the case of any lunatic under the care of a committee appointed by the Lord Chancellor, and for the Lord Chancellor, or Her Majesty's principal Secretary of State for the Home Department, in the case of any lunatic under the care of any person receiving or taking the charge of such one lunatic only, and deriving no profit from the charge, and in the case of any person confined as a state lunatic, or as a lunatic under the order of any criminal court of justice, and in the case of every other person detained or taken charge of as a lunatic, or represented to be a lunatic, or to be under any restraint as a lunatic, at any time, by an order in writing under the hand of the Lord Chancellor or the said Secretary of State, as the case may be, directed to the Commissioners or any of them, or to any other person, to require the persons or person to whom such order shall be directed, or any of them, to visit and examine such lunatic or supposed lunatic, and to make a report to the Lord Chancellor, or to Her Majesty's principal Secretary of State for the Home Department, of such matters as in such order shall be directed to be inquired into.

cxIII. That it shall be lawful for the Lord Chancellor or Her Majesty's principal Secretary of State for the Home Department to employ any Commissioner appointed under this Act, or other person, to inspect or inquire into the state of any asylum, hospital, gaol, house, or place wherein any lunatic, or person represented to be lunatic, shall be confined or alleged to be confined, and to report to him the result of such inspection and inquiry; and every such person so employed, and not being a Commissioner, may be paid such sum of money for his attendance and trouble as to the Lord Chancellor or Her Majesty's principal Secretary of State for the Home Department shall seem reasonable; and every such person so employed, whether a Commissioner or not, shall be allowed his reasonable travelling or other expenses while so employed; and such sum of money for attendance and trouble, and such expenses, shall be charged on and shall be paid out of the Contingency Fund of the Home Office.

cxIV. That in this Act and the Schedules thereto the words and expressions following shall have the several meanings hereby assigned to them, unless there shall be something in the subject or context repugnant to such construction; (that is to say,)

"Borough" shall mean every borough, town, and city corporate having a separate Quarter Sessions, recorder, and clerk of the peace:

"County" shall mean every county, riding, division of a county, county of a city, county of a town, liberty, and other place having a separate commission of the peace, and not being a "borough" within the meaning aforesaid:

"The Lord Chancellor" shall mean the Lord High Chancellor, the Lord Keeper or Commissioners of the Great Seal of Great Britain, and other the person or persons for the time being intrusted, by virtue of the Queen's sign manual, with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind:

"Barrister" shall mean a barrister and a serjeant-at-law; and a serjeant-at-law who shall have been called to the bar five years or more before his appointment to be a Commissioner shall be considered as a barrister of five years standing:

"Lunatic" shall mean every insane person, and every person being an idiot or lunatic or of unsound mind:

"Parish" shall mean any parish, township, hamlet, vill, tithing, extra-parochial place, or place maintaining its own poor:

"Officiating clergyman of a [or the] parish" shall mean a clergyman regularly officiating and acting as the minister or one of the ministers of a parish, chapelry, or ecclesiastical district:

"Borough rate" shall mean a borough rate, and any funds assessed upon or raised in or belonging to any borough in the nature of a borough rate, and applicable to the purposes to which borough rates are applicable:

"County Rate" shall mean a county rate, and any funds assessed upon or raised in or belonging to any county in the nature of a county rate, and applicable to the purposes to which county rates are applicable:

"Pauper" shall mean every person maintained wholly or in part at the expense of any parish, union, county, or borough:

"Patient" shall mean every person received or detained as a lunatic, or taken care or charge of as a lunatic:

"Private patient" shall mean every patient who is not a pauper:

"Proprietor" shall mean every person to whom any licence has been granted under the provisions of any Act hereby repealed, or shall be granted under the provisions of this Act, and every person keeping, owning, having any interest or exercising any duties or powers of a proprietor in any licensed house:

"Clerk of the peace" shall mean every clerk of the peace and person acting as such, and every deputy duly appointed:

"Medical attendant" shall mean every physician, surgeon, and apothecary who shall keep any licensed house, or shall in his medical capacity attend any licensed house, or any asylum, hospital, or other place where any lunatic shall be confined:

"Justice" shall mean a Justice of the Peace:

"Asylum" shall mean any Lunatic Asylum already erected and established under an Act, 48 Geo. 3. c. 96, intituled 'An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in England,' or erected and established, or hereafter to be erected and established, under or which have been made subject or liable to any of the Provisions of an Act, 9 Geo. 4. c. 40, intituled 'An Act to amend the Laws for the Erection and Regulation of County Lunatic

Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics, in England, or hereafter to be erected and established under the provisions of any Act for the erection or regulation of county or borough lunatic asylums:

"Hospital" shall mean any hospital or part of an hospital or other house or institution (not being an asylum) wherein lunatics are received, and supported wholly or partly by voluntary contributions, or by any charitable bequest or gift, or by applying the excess of payments of some patients for or towards the support, provision, or benefit of other patients:

"Licensed house" shall mean a house licensed under the provisions of this Act, or of some Act hereby repealed for the reception of lunatics:

"Oath" shall mean an oath, and every affirmation or other declaration or solemnity lawfully substituted for an "oath" in the case of Quakers or other persons exempted by law from the necessity of taking an oath:

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

cxv. That for the purposes of this Act every borough and county shall include every place situate within the limits of said borough or county, and not having a separate commission of the peace; and for the purposes of this Act every place situate within the limits of any borough or county, and not having a separate commission of the peace, shall be within the jurisdiction of the Justices of such borough or county; and that the Justices of every borough shall, for the purposes of this Act, assemble in special sessions at such times as the Quarter Sessions for such borough shall be holden; and that all acts hereinbefore required to be done by the Justices of counties in General or Quarter Sessions assembled may be done by the Justices of boroughs at such special sessions.

cxvi. That nothing in this Act contained shall extend to the Royal Hospital of Bethlehem, or any building adjacent thereto and used therewith: Provided always, that it shall be lawful for any Commissioner or other person whom the Lord Chancellor or any one of Her Majesty's Principal Secretaries of State shall at any time, by an order in writing under the hand of the said Lord Chancellor or Secretary of State, direct, to visit and examine the Royal Hospital of Bethlehem, and every or any building adjacent thereto as aforesaid, and every or any person confined therein.

cxvii. That this Act shall extend only to England and Wales.

cxviii. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

#### SCHEDULES referred to by the foregoing Act.

##### SCHEDULE (A.) Section 30.

###### FORM OF LICENCE.

KNOW ALL MEN, that We, the Commissioners in Lunacy, [or we the undersigned Justices of the Peace, acting in and for in General [or Quarter or Special] Sessions assembled,] do hereby certify, That *A.B.* of [or the Clerk of the Peace] a Plan and Description of a House and Premises proposed to be licensed for the Reception of Lunatics, situate in the Parish of in the County of hath delivered to us [or the Clerk of the Peace] a List of the Number of Patients now detained in a House and Premises licensed on the Day of last, for the Reception of Lunatics, situate at in the County of ], and we, having considered and approved the same, do hereby authorize and empower the said *A.B.*, [or not intending] to reside therein) to use and employ the said House and Premises for the Reception of (he intending Male [or Female, or Male and Female] Lunatics, of whom not more than shall be private Patients, for the Space of Calendar Months from this Date. Scaled with our Common Seal [or given under our Hands and Seals,] this Day in the Year of our Lord 18

Witness,

*Y.Z.*, Secretary to the Commissioners of Lunacy,  
[or Clerk of the Peace.]

##### SCHEDULE (B.) Section 45.

###### ORDER FOR THE RECEPTION OF A PRIVATE PATIENT.

I, the undersigned, hereby request you to receive *A.B.* a Lunatic [or an insane Person, or an Idiot, or a Person of unsound Mind], as a Patient into your House [or Hospital]. Subjoined is a Statement respecting the said *A.B.*

(Signed)

Name.

Occupation (if any).

Place of Abode.

Degree of Relationship (if any), or other Circumstances of Connection with the Patient.

Name of Patient, with Christian Name at Length.

Sex and Age.

Married, single, or widowed.

Condition of Life, and previous Occupation (if any).

Previous Place of Abode.

Religious Persuasion, so far as known.

Duration of existing Attack.

Whether First Attack.

Age (if known) on First Attack.

Whether subject to Epilepsy.

Whether suicidal or dangerous to others.

Previous Place of Confinement (if any).

Whether found lunatic by Inquisition, and Date of Commission.

Special Circumstances (if any) preventing the Patient being examined, before Admission, separately, by Two Medical Practitioners.

Special Circumstances (if any) preventing the Insertion of any of above Particulars.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_  
 To \_\_\_\_\_ Proprietor [or Superintendent] of \_\_\_\_\_  
*Name, if any].* \_\_\_\_\_  
 (Signed) \_\_\_\_\_ Name.  
 [describing the House or Hospital by Situation and

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**SCHEDULE (C.) Section 45.**
**FORM of MEDICAL CERTIFICATE in the Case of PRIVATE PATIENTS.**

I \_\_\_\_\_ being a Physician or Surgeon, or an Apothecary, duly authorized to practise as such, hereby certify, that I have this day, separately from any other medical Practitioner, visited and personally examined *A. B.*, the Person named in the accompanying Statement and Order, and that the said *A. B.* is a Lunatic [or an insane Person, or a Person of unsound Mind], and a proper Person to be confined, and that I have formed this Opinion from the following Fact or Facts; viz.

(Signed) \_\_\_\_\_ Name.  
 \_\_\_\_\_ Place of Abode.  
 Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

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**SCHEDULE (D.) Section 48.**
**ORDER for the RECEPTION of a PAUPER PATIENT.**

WE, the undersigned, having called to our Assistance a Physician [or Surgeon, or Apothecary, as the Case may be], not being the medical Officer of the Parish or Union to which the said *A. B.* belongs, and having personally examined *A. B.*, a Pauper, and being satisfied that the said *A. B.* is a Lunatic [or an insane Person, or an Idiot, or a Person of unsound Mind], and a proper Person to be confined, hereby request you to receive the said *A. B.* as a Patient into your House or Hospital.

Subjoined is a Statement respecting the said *A. B.*

(Signed) \_\_\_\_\_ Name.  
 A Justice of the Peace for the City or Borough of \_\_\_\_\_  
 [or an or the Officiating Clergyman  
 of the Parish of \_\_\_\_\_].  
 \_\_\_\_\_ Name.  
 With the Relieving Officer of the Union or Parish  
 of \_\_\_\_\_ [or with an Overseer of the  
 Parish of \_\_\_\_\_].

**STATEMENT.**

Name of Patient, and Christian Name at Length.

Sex and Age.

Married, single, or widowed.

Condition of Life, and previous Occupation (if any).

Previous Place of Abode.

Religious Persuasion, so far as known.

Length of Time insane.

Whether First Attack.

Age (if known) on First Attack.

Whether subject to Epilepsy.

Whether suicidal or dangerous to others.

Previous Places of Confinement (if any).

I certify that to the best of my Knowledge the above Particulars are correctly stated.

(Signed)

[To be signed by the Relieving Officer or Overseer signing the Order.]

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred \_\_\_\_\_  
 To \_\_\_\_\_ Proprietor [or Superintendent] of \_\_\_\_\_  
 [describing the House or Hospital by Situation and Name, if any].

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**MEDICAL CERTIFICATE.**

I, \_\_\_\_\_ being a Physician, or Surgeon, or an Apothecary, duly authorized to practise as such, hereby certify, that I have this Day personally examined *A. B.*, the Person named in the Statement and Order, and that the said *A. B.* is a Lunatic [or an insane Person, or an Idiot, or a Person of an unsound Mind], and a proper Person to be confined.

(Signed) \_\_\_\_\_ Name.  
 \_\_\_\_\_ Place of Abode.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_  
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## SCHEDULE (E.) Section 50.

## REGISTRY OF ADMISSIONS.

## REGISTER OF PATIENTS.

Date of last previous Admission (if any).	No. in Order of Admission.	Date of Admission.	Christian and Surname at Length.	Sex and Class.				Age.	Condition as to Marriage.			Condition of Life and previous Occupation.	Previous Place of Abode.	County, Union, or Parish to which chargeable.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Mental Condition.	Name of Disorder (if any).	Form of Mental Disorder.	Supposed Cause of Insanity.	Epileptic.	Congenital Idiots.	Duration of existing Attacks.			Number of previous Attacks.	Age on first Attack.	Date of Discharge or Death.	Recovered.	Relieved.	Not Improved.	Discharged.	Died.	Observations.
				Private.	Pauper.	M.	F.		Married.	Single.	Widowed.												Years.	Months.	Weeks.									
1	1846: Jan. 3	William Johnson	-	-	1	-	-	23	-	1	-	Carpenter	-	-	-	-	-	-	Melancholia	-	-	-	-	4	-	-	2	17	1846: Sept. 1	1	-	-	-	-
2																																		
3																																		
4	1848: June 9	William Johnson	-	-	1	-	-	25	-	1	-	-	-	-	-	-	-	-	-	-	-	-	7	-	-	3	-	1848: Dec. 2	1	-	-	-	-	-
5																																		
6																																		
7	1853: May 6	William Johnson	-	-	1	-	-	29	1	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	4	-	1853: June 8	-	-	-	-	-	-
8																																		

## SCHEDULE (F.) Section 52.

## NOTICE OF ADMISSION.

I HEREBY give you Notice, that *A.B.* was received into this House [or Hospital] as a Private [or Pauper] Patient on the  
Day of \_\_\_\_\_ and I hereby transmit a Copy of the Order and Medical Certificates [or Certificate] on which he was received.

Subjoined is a Statement with respect to the mental and bodily Condition of the above-named Patient.

(Signed) \_\_\_\_\_  
Superintendent  
[or Proprietor] of

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

## STATEMENT.

I HAVE this day seen and personally examined  
and hereby certify that with respect to mental State he [or she]  
Health and Condition he [or she]

the Patient named in the above Notice  
and that with respect to bodily

(Signed) \_\_\_\_\_  
Medical Proprietor [or Superintendent  
or Attendant].

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

## SCHEDULE (G. 1). Section 54.

## REGISTER OF DISCHARGES AND DEATHS.

Date of Discharge or Death.	Date of last Admission.	No. in Register of Patients.	Christian and Surname at Length.	Sex and Class.				Discharged.						Died.		Assigned Cause of Death.	Age at Death.		Observations.
				Private.		Pauper.		Recovered.		Relieved.		Not Improved.							
				M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.	
1846: Sept. 1 -	1846: Jan. 3 -	1	William Johnson	-	-	1	-	1											
1848: Dec. 2 -	1848: June 9 -	4	William Johnson	-	-	1	-	1											
1853: June 8. -	1852: May 6 -	7	William Johnson	-	-	-	1	-	-	-	-	-	-	1	-	Phthisis-	27		

## SCHEDULE (G. 2.) Section 54.

## FORM OF NOTICE OF DISCHARGE OR DEATH.

I HEREBY give you Notice, That \_\_\_\_\_ a Private [or Pauper] Patient, received into this House  
[or Hospital] on the \_\_\_\_\_ Day of \_\_\_\_\_ was discharged therefrom recovered [or relieved, or not improved,]  
by the Authority of \_\_\_\_\_ [or died therein, on the \_\_\_\_\_ Day of \_\_\_\_\_.]

(Signed) \_\_\_\_\_  
Superintendent [or Proprietor] of  
House [or Hospital]  
at \_\_\_\_\_.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_  
In case of Death, add "and I further certify, that *A.B.* was present at the Death of the said \_\_\_\_\_; and  
that the apparent Cause of Death of the said \_\_\_\_\_ [ascertained by post mortem Examination (if so)]  
was \_\_\_\_\_."

## SCHEDULE (H.) Section 59.

## FORM of MEDICAL JOURNAL and WEEKLY REPORT.

Date.	Number of Patients.				Names of Patients under Restraint (and by what Means) or in Seclusion.		Names of Patients under Medical Treatment.		Report on State of Health of Patients and Condition of House or Hospital.	Deaths, Injuries, and Violences to Patients.
	Private.		Pauper.							
	M.	F.	M.	F.	Malca.	Females.	Males.	Females.		

## SCHEDULE (I.) Section 100.

## FORM OF SUMMONS.

WE, the Commissioners in Lunacy [or we whose Names are hereunto set and Seals affixed, being Two of the Commissioners in Lunacy, or Visitors] appointed under or by virtue of an Act passed in the Year of the Reign of Her present Majesty, intituled [here insert the Title of the Act], do hereby summon and require you personally to appear before us at \_\_\_\_\_ in the Parish of \_\_\_\_\_ in the County of \_\_\_\_\_ on \_\_\_\_\_ next the \_\_\_\_\_ Day of \_\_\_\_\_ at the Hour of \_\_\_\_\_ in the \_\_\_\_\_ noon of the same Day, and then and there to be examined, and to testify the Truth touching certain Matters relating to the Execution of the said Act.

Sealed with the Common Seal of "The Commissioners in Lunacy" [or given under our hands and Seals], this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and \_\_\_\_\_

## CAP. CI.

AN ACT to continue until the Fifth Day of *July* One thousand eight hundred and sixty-two the Act for regulating the Vend and Delivery of Coals in *London and Westminster*, and in certain Parts of adjacent Counties; and to alter and amend the said Acts.

(4th August 1845)

## ABSTRACT OF THE ENACTMENTS.

1. *Recited Acts continued except as altered.*
2. *Duties extended to coals brought by railway.*
3. *Application of duty of 1d. per ton on coals, &c. after 31st December 1845.*
4. *Duty to be laid out and form an accumulating fund for improvements till appropriated by Parliament.*
5. *The corporation and Board of Trade may agree upon a sum to be paid to the corporation for redemption of annuities.*
6. *Power to make bye-laws.*
7. *Authentication of bye-laws.*
8. *Justices may proceed by summons in the recovery of penalties.*
9. *Expenses of Act.*
10. *Public Act.*

By this Act,

After reciting the passing of 1 & 2 Will. 4. c. lxxvi, whereby the provisions of the said Act were directed to be in force for seven years from and after the 31st of December next after the passing thereof: and that an Act, 1 & 2 Vict. c. ci, intituled, 'An Act to continue for Seven Years an Act for regulating the Vend and Delivery of Coals in London and Westminster, and in certain Parts of the adjacent Counties:' And that the last-mentioned term of seven years, during which the provisions contained in the said Acts were directed to continue in force, will expire on the 31st of December 1845, and it is expedient that the same should be continued, and that in the respects hereinafter mentioned the said Acts should be altered and amended:—

It is Enacted,

1. That the said Acts of 1 & 2 Will. 4. and 1 & 2 Vict., and all the powers, authorities, directions, provisions, penalties, forfeitures, regulations, clauses, matters, and things therein contained, (except such of them, or such parts thereof respectively, as are repealed, altered, or otherwise provided for,) shall be and the same are hereby continued until the 5th of July 1862; and all the provisions, regulations, clauses, matters, and things in the said first-mentioned Act contained, to take effect at the end of the term of seven years therein mentioned, or at any other time or times, shall take effect in the same manner to all intents and purposes as if the 5th day of July 1862 had been inserted in the said Act of 1 & 2 Will. 4. instead of the said term of seven years.

II. That all and singular the duties by the said Acts authorized to be levied upon coals, culm, and cinders contained in any ship or vessel arriving at her moorings within any part of the port of London at or to the westward of Gravesend, or brought near London by the Grand Junction or Paddington Canals, or by the River Thames, and by other Acts now in force authorized to be levied upon coals, culm, and cinders brought near London by certain railways in the same Acts particularly mentioned, shall be extended, and the same are hereby imposed and authorized to be levied, until the said 5th of July 1862, upon all coals, culm, and cinders brought to any place within the port of London, or within the cities of London and Westminster and the borough of Southwark, or to any place within the distance of twenty miles from the General Post Office in the city of London, by any railway already constructed or hereafter to be constructed, or by inland navigation, or by any other mode of conveyance; and the same duties shall be payable to such person or persons, at such place or places, in such manner, and under such regulations, as the lord mayor, aldermen, and commons of the city of London, in Common Council assembled, shall from time to time direct or appoint, with the same powers and authorities for giving receipts for and enforcing or recovering payment of the same as are given by the said recited Acts in respect of the like duty on coals, culm, and cinders by the same Acts authorized to be levied; and all and singular the duties hereby extended and imposed as aforesaid shall be applied to the same purposes to which the like duties authorized to be levied by the said recited Acts shall from time to time by law be applicable: Provided always, that nothing herein contained shall extend to prevent any railway company, their workmen and agents, or other persons using their railways, from bringing by such railways to any points of the said railways nearer to London than the aforesaid distance all such quantities of coal and coke from time to time as shall be required to be used, and shall be *bond fide* used, for the purposes of the engines of the said company, not exceeding five hundred tons in any one year, without any duty being payable in respect of such coals or coke: Provided always, nevertheless, that if any coals or coke brought nearer to London than the aforesaid distance, without the duty being paid in respect thereof according to the provisions hereinbefore contained, shall be used otherwise than for the purposes of the engines of the said company, or more than five hundred tons of such coals or coke shall be so brought in any one year without the duty being paid in respect thereof as aforesaid, every such company shall in either of such cases, for every ton of such coals or coke so brought and otherwise used, or for every ton of such coals or coke exceeding five hundred tons in any one year (as the case may be), forfeit and pay to the said mayor and commonalty and citizens the sum of 100*l.*, to be recovered by action of debt, bill, plaint, or information in any of Her Majesty's courts of record at Westminster.

And in order to provide a fund for the opening of poor and densely populated districts in the metropolis, or for keeping open spaces in the immediate vicinity of the same, as a means of promoting the public convenience, recreation, and health:—

It is Enacted,

III. That the duty of 1*d.* per ton on coals, cinders, or culm contained in any ship or vessel laden with coals, cinders, or culm arriving at her moorings within any part of the port of London at or to the westward of Gravesend, and also the like duty of 1*d.* per ton on coals, culm, and cinders brought near London by the Grand Junction or Paddington Canals, or by the River Thames, created and imposed by the said Act of 1 & 2 Will. 4. c. lxxvi, and by this and other Acts extended to coals, culm, and cinders brought near London by railway, inland navigation, or other mode of conveyance, shall from and after the 31st December 1845 be applied to the creation of a fund for the execution of such improvements in the metropolis as Parliament may hereafter direct or sanction; and the public stocks or funds in which the residue or overplus of the produce of the said duty of 1*d.* per ton on coals, cinders, or culm has been from time to time invested in the names of the chamberlain, town clerk, and comptroller of the chamber of the said city, in pursuance of the said Act of 1 & 2 Will. 4. and the dividends and interest thereof, and also the rents and profits to be derived from the coal market, shall from time to time be applied to the same purposes as the said duty of 1*d.* per ton on coals, cinders, or culm is now applicable by virtue of the said Act.

IV. That from and after the said 31st of December 1845 the said duty of 1*d.* per ton on coals, cinders, and culm, so created, imposed, and extended as aforesaid, shall from time to time, when and as received, be laid out and invested in the purchase of stock in some of the public stocks or funds, or upon government or real securities, at interest, in the names of the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to an account to be rendered, "The Metropolis Improvement Fund Account;" and the said Commissioners shall from time to time lay out or invest the yearly dividends or interest of the stocks, funds, and securities so to be purchased in their names on the account aforesaid, in like manner, for the purpose of accumulation in the meantime, and until the said fund shall be required for and appropriated by Parliament to the execution of improvements in the metropolis.



v. That it shall be lawful for the said mayor, aldermen and commons in common council assembled, and the Committee of Her Majesty's Privy Council for managing the affairs of Trade to agree upon a sum of money, to be paid to the said mayor, aldermen, and commons, in common council assembled, for the redemption of the sums of money, annuities, and other compensation to which the principal and labouring land coal meters, and the clerks, officers, and other persons who were employed in the land metage of coals, and also the clerks of the coal market, are now entitled, in respect of the abolition of their respective offices, under and by virtue of the said Act of 1 & 2 Will. 4; and thereupon the chamberlain shall receive out of the said stocks or funds in which the said residue or overplus of the said duty of 1*d.* per ton on coals, cinders, or culm has been invested as aforesaid, the sum of money so to be certified as aforesaid, to the use of the mayor and commonalty and citizens of the city of London; and when such money shall have been paid to the said chamberlain as aforesaid, the said mayor and commonalty and citizens shall be and are hereby made liable to the payment of the said sums of money, annuities, and other compensation as aforesaid, and the charge thereof upon the said stocks or funds shall cease and determine.

vi. That it shall be lawful for the said mayor, aldermen, and commons of the city of London, in common council assembled, with the approbation and in the manner mentioned in the said Act, 1 & 2 Vict. c. ci., to make from time to time such bye-laws as shall appear to them to be necessary for regulating and removing vessels laden or partly laden with coals, and from time to time to amend, alter, vary, or repeal such bye-laws, and to make others.

vii. That a printed or written copy of the bye-laws made in pursuance of this Act, or of an Act, 10 Geo. 4. c. cxxiv., intitled 'An Act for altering and amending the Powers of an Act of the Thirty-ninth Year of the Reign of King George the Third, for rendering more commodious and for better regulating the Port of London,' or of the said Act of 1 & 2 Will. 4, or of the said Act of 1 & 2 Vict., signed by the town clerk of the city of London, shall, without any other proof, be admitted as evidence of such bye-laws, and of the making, submission, allowance, and publication thereof, unless the contrary shall be proved.

viii. That in all cases in which by the said Acts or either of them, or this Act, or any bye-laws made or to be made in pursuance thereof, any penalty or forfeiture is made recoverable before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom complaint shall be made of any offence against the said Acts or either of them, or this Act, or such bye-laws as aforesaid, to summon the party complained against before any Justice, who on such summons shall hear and determine the matter of such complaint, and on proof of the offence convict the offender, and adjudge him to pay the penalty or forfeiture incurred, and proceed to recover the same, although no information in writing shall have been exhibited or taken by or before any Justice; and all such proceedings by summons without information shall be as good, valid, and effectual to all intents and purposes as if an information in writing was exhibited.

ix. That the costs, charges, and expenses incident to and incurred in obtaining and passing this Act shall be paid and discharged by and out of the produce of the said duty of 1*d.* per ton.

x. That this Act shall be a public Act, and shall be judicially taken notice of as such.

## CAP. CII.

AN ACT to continue until the First Day of *January* One thousand eight hundred and fifty-one an Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury.

(4th August 1845.)

By this Act, 2 & 3 Vict. c. 37. is continued until the 1st of January 1851.

## CAP. CIII.

AN ACT to continue until the Thirty-first day of *August* One thousand eight hundred and forty-eight and to the End of the next Session of Parliament, and to amend, an Act of the Fifth and Sixth Years of Her present Majesty, for permitting Wheat to be delivered from the Warehouse or the Vessel Duty free, upon the previous Substitution of an equivalent quantity of Flour or Biscuit in the Warehouse.

(4th August 1845.)

### ABSTRACT OF THE ENACTMENTS.

1. *Recited Act (except as altered or repealed by this Act) continued for three years.*
2. *Same period allowed for entering wheat from a vessel as from the warehouse.*
3. *Commissioners of Customs to provide standard samples of biscuit.*

4. *Repeal of certain penalties imposed by the said Act.*
5. *Penalties for depositing articles of inferior quality.*
6. *Flour not to be taken out of bond for four weeks.*
7. *Alteration of Act.*

By this Act,

After reciting the passing of 5 & 6 Vict. c. 92, and that it is expedient that the said Act should be further continued for the term hereinafter specified; but it is necessary that the same should be amended in certain respects;—

It is Enacted,

i. That the said Act, except so far as the same or any part thereof is hereby altered or repealed, shall continue in force until the 31st of August 1848, and from thence until the end of the next session of Parliament.

And after reciting that it is enacted by the said Act that persons having deposited in any warehouse in the manner required by the said Act any quantity of fine wheat flour or biscuit, or being holders of certain certificates in the said Act mentioned, shall be entitled to enter duty-free from any vessel certain quantities of wheat: And that doubts have arisen as to the period within which such entry ought to be made; and it is expedient that such doubts should be removed, and that the same period should be allowed for entering wheat duty-free from any vessel as is now allowed for entering wheat from the warehouse;—

It is Enacted,

ii. That any person, being entitled under the provisions of the said Act to enter any wheat duty-free from any vessel, may enter such wheat duty-free from such vessel at any time or times, and at such time or times only, at which it would be lawful under the provisions of the said Act for such person to enter such wheat if the same were in any warehouse.

iii. That the Commissioners of Her Majesty's Customs shall forthwith provide samples of the several kinds of biscuit in the said Act mentioned, and such samples shall be deemed standard samples, for the purpose of comparing therewith any biscuit tendered to be deposited as being captains biscuit, or biscuit of the standard supplied to Her Majesty's navy, or common ship's biscuit; and the said Commissioners shall from time to time renew such standard samples as they may deem it expedient.

iv. That so much of the said Act as relates to the forfeiture in certain cases of parcels or packages tendered to be deposited under the provisions thereof, and to the imposition of penalties upon persons tendering the same for the purpose of being deposited, shall be repealed.

v. That if any parcel or package, being or containing any other article than flour, or any other flour than fine wheat flour in sound condition, is tendered to be deposited under the provisions of the said Act as being or containing flour, or if any parcel or package being or containing any other article than biscuit is tendered to be deposited under the provisions of the said Act as being or containing biscuit, or if any parcel or package being or containing biscuit of an inferior quality to the standard sample of any one of the several kinds of biscuits in the said Act mentioned, or being or containing biscuit not in sound condition, is tendered to be deposited under the provisions of the said Act as being or containing biscuit of that kind, such parcel or package and the contents thereof shall be forfeited; and any person so tendering any such parcel or package to be deposited as aforesaid shall forfeit and pay the sum of 5*l.* for every hundred pounds weight of the wheat for which such parcel or package was tendered to be substituted; and such forfeitures and penalties, and any other forfeitures imposed by the said Act, shall be recovered and dealt with in all respects as forfeitures and penalties under any law relating to the Customs to be recovered and dealt with.

vi. That no flour deposited in the warehouse under the provisions of the said Act shall be entered from the warehouse for home consumption until four weeks after the day on which it was deposited.

vii. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

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## CAP. CIV.

AN ACT to empower the Commissioners of Her Majesty's Woods to appropriate to building Purposes the Area of *Darby Court*, in the Parish of *Saint James Westminster*.

(4th August 1845.)

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## ABSTRACT OF THE ENACTMENTS.

*The area of Darby Court vested in Her Majesty, discharged of rights of way.*

*Saving the rights of the lessee.*

*Saving the jurisdiction of the Paving Commissioners as to rating.*

*Public Act.*

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By this Act,

After reciting that the Queen's most excellent Majesty, in right of her Crown, is seised to Her Majesty, her heirs and successors, of a plot of ground, with the messuages or tenements standing thereon, situate in the parish of St. James Westminster in the county of Middlesex, abutting northward on Piccadilly, and southward on Jermyn Street, and including the open area of a court or passage leading from Jermyn Street to Piccadilly aforesaid, subject nevertheless, as to the last-mentioned area, to the power and superintendence of the paving, repairing, cleansing, and lighting the same, vested in the Commissioners for paving and improving the parish of St. James Westminster, and subject, as respects two messuages or tenements, numbered respectively 6 and 7 in Darby Court aforesaid, to a certain indenture of lease whereby the said two messuages or tenements were, together with other property of the Crown, demised to Samuel Rickards, his executors, administrators, and assigns, for a term which will expire on the 10th of October 1884: And that all the houses and buildings now standing in or abutting upon Darby Court aforesaid (with the exception of numbers 6 and 7 aforesaid) are about to be pulled down with the view of a substantial public building being erected on the site thereof, and also on the site of the said court, or of some part thereof respectively;—

It is Enacted,

I. That from and after the passing of this Act the ground and open area of the said court called Darby Court shall be and the same is hereby vested in the Queen's most excellent Majesty, her heirs and successors, freed and discharged from all rights of way and other rights and easements whatsoever, into, through, or over the same, and freed and discharged of and from the power and superintendence of the paving, repairing, cleansing, lighting, watering, and improving the said court, and preventing nuisances and obstructions therein, now vested in the Commissioners for paving and improving the parish of St. James Westminster, all which said rights of way, and other rights and easements, power and superintendence, shall be and the same are hereby extinguished; and it shall and may be lawful for the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to take and use or demise the said ground and premises so freed and discharged as aforesaid for building or other purposes, and either together with the adjoining ground and premises, the property of Her Majesty, and as part or parcel thereof, or separately therefrom, in as full and ample manner as they are by law authorized and empowered to take, use, or demise any part or parts of the possessions and land revenues of the Crown under their care and management.

II. Provided and enacted, That nothing herein contained shall extend to prejudice or affect the term, estate, and interest of the said Samuel Rickards, his executors, administrators, undertenants, or assigns, under the hereinbefore mentioned indenture of lease; and such term, estate, and interest shall remain whole and unimpaired as if this Act had not been passed.

III. That the exclusion hereinbefore contained of the area of the said court from the jurisdiction of the said Commissioners for paving and improving the parish of St. James Westminster, as to paving, cleansing and lighting the same, shall not extend to exclude the same from the jurisdiction of the said Commissioners as to rating, but the jurisdiction of the said Commissioners as to rating all and every the persons and person who shall inhabit, use, or occupy all or any of the houses or buildings to be erected on the said area, ground, and premises, shall remain whole and unimpaired as if this Act had not been passed.

IV. That this Act shall be a public Act, and shall be judicially taken notice of as such.

## CAP. CV.

AN ACT for amending certain Acts of the Fourth and Fifth Years of the Reign of Her Majesty, for facilitating the Administration of Justice in the Court of Chancery; and for providing for the Discharge of the Duties of the Subpoena Office after the Death, Resignation, or Removal of the present Patentee of that Office.

(4th August 1845.)

### ABSTRACT OF THE ENACTMENTS.

1. The term of five years, within which certain rules, orders, and regulations were directed by the first-recited Act to be extended to ten years.
2. All rules, &c. so made to be deemed general rules, &c.
3. Recited Act in part repealed; and after the removal of the patentee of the subpoena office duties of that office to be discharged and fees received by clerks of records and writs.—Application of the fees.—Lord Chancellor may fix an earlier time for transferring the duties.
4. Alteration of Act.

By this Act,

After reciting the passing of 3 & 4 Vict. c. 94, whereby power was given to the Lord Chancellor, with the advice and consent of the Master of the Rolls and the Vice Chancellor, or one of them, to make, from time to time, and at any time

within five years from the passing of the said Act, any rules, orders, and regulations for the purposes in the said Act mentioned; and it was thereby enacted, that all such rules, orders, and regulations should be laid before both Houses of Parliament, if Parliament should be then sitting, then within five days after the next meeting thereof: And that another Act was passed, 4 & 5 Vict. c. 52, whereby it was enacted, that every such rule, order, or regulation made in pursuance of the said recited Act should, from and after the time in that behalf to be appointed by the Lord Chancellor, with such advice and consent as aforesaid, and if no time should be so appointed, then from and after the making thereof, be binding and obligatory on the said court, and be of like force and effect as if the provisions therein contained had been expressly enacted by Parliament; and it was thereby provided, that if either of the Houses of Parliament should, by any resolution passed at any time before such House of Parliament should have actually sat thirty-six days after such rules, orders, and regulations should have been laid before such House of Parliament, resolve that the whole or any part of such rules, orders, or regulations ought not to continue in force, in such case the whole, or such part thereof as should be so included in such resolution, should from and after such resolution cease to be binding and obligatory on the said court; and it was thereby also provided, that no such rule, order, or regulation as aforesaid should by virtue of the said Act be of the like force and effect as if the provisions therein contained had been expressly made by Parliament, unless the same should be expressed to be made in pursuance of said Act and of the now reciting Act; and that every such rule, order or regulation so expressed to be made in pursuance of the said Act and of the now reciting Act, which should not be laid before both Houses of Parliament within the time by the said recited Act limited for that purpose, should from and after the expiration of such time be absolutely void and of no effect: And that an Act was passed, 5 Vict. c. 5, intituled, 'An Act to make further Provision for the Administration of Justice,' under the authority of which two additional Vice Chancellors have been appointed; and it was thereby enacted, that from and after the appointment of the Vice Chancellors, under the said now reciting Act, it should be lawful for the Lord Chancellor, with the advice or consent of the Master of the Rolls and Vice Chancellors for the time being, or any two of them, and he was thereby authorized and empowered, to do all such acts, and to make and issue all such rules and orders, as by any Act or Acts of Parliament then in force the Lord Chancellor, with the advice or consent of the Master of the Rolls and the Vice Chancellor for the time being, or one of them, was empowered to do, make or issue: And that rules, orders or regulations have from time to time been made in pursuance of the said two first-recited Acts, but it is expedient to extend the time limited by the said first-recited Act for the making thereof in manner hereinafter mentioned:—

It is Enacted,

11. That the term of five years, which under and by virtue of the said first-recited Act now stands limited as the time within which any rules, orders, or regulations thereby or by the said two other Acts authorized and required to be made must be so made, shall be and the same is hereby extended to ten years from the passing of the said first-recited Act, as if such term of ten years had been originally contained in that Act.

12. That all rules, orders, and regulations made and to be hereafter made under the provisions of the said recited Acts and this Act, or any of them, shall for all purposes be deemed and taken to be general rules and orders of the High Court of Chancery.

And after reciting that by 3 & 4 Will. 4. c. 94, it was enacted, that from and after the death, resignation, or removal from his office of the present patentee of the subpoena office all the duties of such office should be performed by the clerk of the affidavits, who should thereupon receive and account for, in manner thereafter mentioned, all the fees then receivable by the said patentee: And that since the passing of the last-mentioned Act four clerks of records and writs have been appointed, by whom the business of issuing writs on the equity side of the Court of Chancery, other than such writs as are issuable by the patentee of the subpoena office, is now discharged: And that it is expedient that the duties of the patentee of the subpoena office should be performed and the fees payable to him should be received by the said clerks of records and writs:

It is Enacted,

13. That so much of the said Act 3 & 4 Will. 4. c. 94, as provides for the execution of the duties and the receipt of the fees of the subpoena office by the clerk of the affidavits shall be and the same is hereby repealed; and that after the death, resignation, or removal from his office of the present patentee of the subpoena office the said clerks of records and writs, or any one of them, shall, in place and instead of the said clerk of the affidavits, perform all the duties of the subpoena office, and shall receive all the fees now receivable by the said patentee of that office, and shall pay such parts thereof as the said patentee is now by the said last-mentioned Act required to pay to the several officers named in that Act for that purpose, and shall pay the residue of such fees into the Bank of England, to be placed to the account there standing in the name of the accountant general of the High Court of Chancery, intituled, "The Suits Fee Fund Account," at such times and under such regulations as the Lord Chancellor, with the advice and consent of the Master of the Rolls and Vice Chancellors for the time being, or any two of them, shall by any order direct: Provided always, that it shall be lawful for the Lord Chancellor, with such advice and consent as last aforesaid, by any rule or order to be made under the provisions of the said two first-recited Acts, to fix such earlier time for transferring the execution of the duties of the subpoena office to the clerks of records and writs as he shall think fit.

14. That this Act may be amended or repealed in the present session of Parliament

# CAP. CVI.

## AN ACT to amend the Law of Real Property.

[See Appendix for the clauses at length, p. ii.]

(4th August 1845.)

## CAP. CVII.—IRELAND.

AN ACT for the Establishment of a Central Asylum for Insane Persons charged with Offences in *Ireland*; and to amend the Act relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor, in *Ireland*; and for appropriating the Lunatic Asylum in the City of *Cork* to the purposes of a District Lunatic Asylum.

(8th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. Commissioners of Public Works to be trustees for providing buildings and lands necessary for the establishment of a central asylum for criminal lunatics.
2. Commissioners of Public Works to be a corporation for the purposes of this Act.
3. Power to Commissioners of Public Works to purchase or rent buildings, lands, &c. which may be required for such central asylum.
4. Consolidation of this Act with Lands Clauses Consolidation Act.
5. Commissioners of Public Works to obtain surveys, plans, and specifications, and submit same to the Treasury.
6. Commissioners of Public Works to lay accounts before the Commissioners of the Treasury.
7. Proceedings in actions by and against the Commissioners of Public Works.
8. When central asylum established, the Lord Lieutenant empowered to order the removal of criminal lunatics to such asylum.
9. Lord Lieutenant to appoint the officers and servants of central asylum, and Lord Lieutenant and Council to make rules and regulations for the government thereof.
10. Persons not to be committed as dangerous lunatics, unless upon information upon oath.
11. Lord Lieutenant may discharge a person committed as a dangerous lunatic who is duly certified to him to have become of unsound mind, or to have ceased to be a dangerous lunatic.
12. Lord Lieutenant may direct persons under sentence of imprisonment or transportation, who become insane, to be removed to central asylum.
13. The district lunatic asylums may receive as many patients as they can accommodate, the care and maintenance of whom shall be provided for as heretofore.
14. Lord Lieutenant authorized to make orders in council for the enlargement of district lunatic asylums.
15. Asylums may be appropriated for the exclusive reception of particular classes as to disease of pauper lunatics.
16. Powers of recited Acts to apply to this Act.
17. Manner of proceeding where any county, &c. shall be taken out of any district and removed to any new district.
18. Lunatic wards, &c. connected with houses of industry.
19. Cork Lunatic Asylum shall become a district lunatic asylum for the county and the city of Cork, and of such other county, &c. any, as shall be added thereto.
20. Grand juries of Cork, &c. shall make presentments for support of such asylum.
21. Asylum vested in Commissioners under 1 & 2 Geo. 4. c. 33.
22. Lord Lieutenant may make rules and regulations for the holding of lectures.
23. Lord Lieutenant to appoint inspectors of lunatics, and functions of inspectors general of prisons vested in them.
24. Inspectors to visit asylums and inquire into the management thereof.
25. Registry of admissions, of discharges and deaths, and medical journal, to be kept.
26. Interpretation clause.
27. Act to extend only to Ireland.
28. Alteration of Act.

By this Act,

After reciting that it is expedient that one central asylum in or near the city of Dublin should be provided for the custody and care of criminal lunatics:—

It is Enacted,

I. That the Commissioners of Public Works in Ireland for the time being shall be trustees for the purpose of purchasing or providing, as hereinafter mentioned, any buildings, lands, tenements, or hereditaments that may be necessary for the said central asylum, and the site thereof, and the premises to be occupied therewith, and for erecting thereon suitable buildings, and for repairing, enlarging, improving, upholding, and furnishing the same from time to time.

II. That for the purposes of this Act the said Commissioners of Public Works in Ireland for the time being, and their successors, shall be a corporation, by the name or style of "The Commissioners of Public Works in Ireland," and by that name, for the purposes of this Act, shall have perpetual succession and a common seal, to be by them made and from time to time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all courts, and before all Justices and others, and in that capacity shall be deemed promoters of the undertaking authorized to be executed by this Act.

III. That in order to enable the said Commissioners of Public Works in Ireland to purchase and provide the buildings, lands, tenements, and hereditaments which may be required for the said central asylum and the site thereof, it shall be lawful for the said Commissioners, with the approval of the Commissioners of Her Majesty's Treasury, to contract and agree

with any person or persons, or body or bodies corporate, for the purchase or renting of any buildings, lands, tenements, or hereditaments required for such central asylum, or the site thereof, and the premises to be occupied therewith, and also for the purchase of any subsisting leases, terms, estates, or interests therein or charges thereon; and the buildings, lands, tenements, or hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to or in trust for Her Majesty, her heirs and successors, in such manner and form as the said Commissioners of Her Majesty's Treasury shall direct.

iv. That in order to enable the said Commissioners of Public Works to purchase and provide the said buildings, lands, tenements, and hereditaments, the "Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act, except the clauses with respect to the purchase and taking of lands otherwise than by agreement: Provided always, that all things by the said Act required or authorized to be done by the promoters of the undertaking may be done by any two of the Commissioners of Public Works in Ireland, subject to the approval of the Commissioners of Her Majesty's Treasury, in the cases provided by this Act.

v. That it shall be lawful for the said Commissioners of Public Works, if they shall be so directed by the Commissioners of Her Majesty's Treasury, to employ any competent surveyor or architect to make a survey and estimate of the said proposed work, and to prepare such plan, section, or specification thereof as may be necessary, and send the same to the Commissioners of Her Majesty's Treasury, for their approval; and if the said Commissioners of Her Majesty's Treasury shall think fit to authorize the work in any such plan, section, or specification, or any modification thereof which they may think proper, to be undertaken, they shall, by warrant under their hands, direct the said Commissioners of Public Works to execute such work, at and for an amount not exceeding a sum to be specified in such warrant; and the said Commissioners of Public Works shall upon receipt of such warrant forthwith cause the construction of the works mentioned therein to be proceeded with.

vi. That the said Commissioners of Public Works shall cause accounts in writing of the several sums received by them as such Commissioners for the purposes of this Act, and the sums expended by them for such purposes, and the mode of such expenditure, to be made up to the 31st of December in each year, or to such period as the Commissioners of Her Majesty's Treasury shall direct; and the said Commissioners shall, as often as they shall be required so to do by the Commissioners of Her Majesty's Treasury, transmit to the said Commissioners of the Treasury the said accounts; and it shall be lawful for the said Commissioners of Her Majesty's Treasury to give such directions as they shall think proper, defining the duties of the said Commissioners of Public Works in the execution of this Act; and the said Commissioners of Public Works shall observe all such directions as aforesaid which shall from time to time be signified to them by the said Commissioners of Her Majesty's Treasury.

vii. That the several enactments contained in an Act, 1 & 2 Will. 4. c. 33, intituled 'An Act for the Extension and Promotion of Public Works in Ireland,' which affect or relate to any action or suit to be commenced against the Commissioners for the execution of the last recited Act, or their secretary, or any person or persons, for anything done by virtue of or in pursuance of the last-recited Act, or in any proceedings in any such action or suit, or any limitation of time for the commencement thereof or any costs thereof, or any evidence to be given therein, or any notice of action or suit, or satisfaction, or tender thereof, or any action or suit to be commenced by the said Commissioners, or any proceedings therein, or the said Commissioners suing or being sued in the name of their secretary, or any abatement or discontinuance of any such action or suit, or to the court in which, or to the terms or conditions on which, any such action or suit shall be brought against the said Commissioners, collectively or individually, or their secretary, shall be held to apply to and extend to any action or suit to be commenced against the Commissioners of Public Works in Ireland, or their secretary, or any person or persons, for anything done by virtue of or in pursuance of this Act, or to any proceedings in any such action or suit, or to the limitation of time for the commencing thereof, or to any costs thereof, or to any notice of any such action or suit, or to any evidence to be given therein, or to any action or suit to be commenced by the said Commissioners of Public Works in the execution of this Act, or on account of or in pursuance of this Act, or to any proceedings in any such action or suit, or to the said Commissioners suing or being sued in the name of their secretary for the time being, or to any abatement or discontinuance of any such action or suit, or to the court in which, or to the terms or conditions on which, any such action or suit shall be brought against the said Commissioners of Public Works, collectively or individually, or against their secretary.

And after reciting that by 1 & 2 Geo. 4. c. 33, it is amongst other things enacted, that it should be lawful for the Lord Lieutenant or other chief governor or governors of Ireland for the time being to give such order for the safe custody and care of criminals found insane as in the said Act mentioned, during the pleasure of the Lord Lieutenant or other chief governor or governors of Ireland for the time being, in such place and in such manner as should seem fit; and it is by the said Act further provided and enacted, that whenever and as soon as there should be a lunatic asylum built or maintained, whether wholly or in part, in any county, county of a city or county of a town, wherein such prisoner as therein mentioned should be tried or found insane as therein mentioned, then and from thenceforth such insane person should without delay be moved to such asylum as therein mentioned, and should be kept therein so long as such prisoner should be detained in custody:—

#### It is Enacted,

viii. That whenever and as soon as the said central asylum shall be erected, and fit for the reception of criminal lunatics, shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland to order and direct that all criminal lunatics then in custody in any lunatic asylum or gaol, or who shall thereafter be in custody, shall be removed without delay to such central asylum, and shall be kept therein so long as such criminal lunatics respectively shall be detained in custody.

ix. That it shall and may be lawful for the Lord Lieutenant or other chief governor or governors of Ireland for the time being to nominate and appoint such persons as he or they shall think fit and proper to be governor, physician, surgeon,

apothecary, matron, keepers, officers, and servants of said central asylum, and also that it shall and may be lawful for the Lord Lieutenant or other chief governor or governors of Ireland, by and with the advice of Her Majesty's Privy Council in Ireland, from time to time to make, frame, and establish any rules and regulations which may be necessary or proper for the good conduct and management of the said central asylum, and from time to time to revoke, alter, or make new such rules and regulations.

And after reciting that by 1 Vict. c. 27, it is amongst other things enacted, that if any person should be discovered and apprehended in Ireland under circumstances denoting a derangement of mind, and a purpose of committing some crime for which, if committed, such person would be liable to be indicted, it should be lawful for any two Justices of the Peace of the county, county of a city, county of a town, city or town, and liberties, before whom such person might be brought, to call to their assistance any legally qualified physician, surgeon, or apothecary; and if upon view and examination of the said person so apprehended, or from other proof, the said Justices should be satisfied that such person was a dangerous lunatic or a dangerous idiot, it should be lawful for the said Justices, by warrant under their hands and seals, to commit such person to the gaol of such county, county of a town, city or town, and liberties, there to be kept in strict custody until or unless such person should be discharged in manner by the said Act provided:—

It is Enacted,

X. That it shall not be lawful for the said Justices to commit such person to gaol unless information on the oath of one or more credible witness or witnesses shall have been made before the said Justices, stating facts from which it shall appear that such person was discovered and apprehended under circumstances denoting a derangement of mind, and a purpose of committing some crime for which, if committed, such person would be liable to be indicted, and that such person is a dangerous lunatic or a dangerous idiot; and such Justices shall, if they shall so think fit, bind the person or persons swearing such information to appear at the next commission or assizes, or General or Quarter Sessions of the Peace, whichever may first occur, which information shall be returned to the clerk of the Crown or peace; and the Judges presiding at such commission, or the Judge of assize, or assistant barrister or recorder, as the case may be, shall, if they shall consider it necessary so to do, examine into the case, and report to the Lord Lieutenant or other chief governor or governors of Ireland for the time being whether such person appears to him or them to be a dangerous lunatic or dangerous idiot.

And after reciting that by the said Act it is also amongst other things enacted, that it should be lawful for the Lord Lieutenant or other chief governor or governors of Ireland for the time being, if he or they shall so think fit, to direct, by warrant under his or their hand or hands, that any person who might be detained in custody in any gaol by virtue of any such warrant as aforesaid should be removed to the lunatic asylum established either wholly or in part for the county, county of a city, or county of a town in which such person should be in custody; and every such person so removed should remain under confinement in every asylum to which such person might be removed until it should be duly certified to the said Lord Lieutenant or other chief governor or governors, by two physicians or surgeons, or a surgeon and a physician, that such person had become of sound mind, whereupon the said Lord Lieutenant or other chief governor or governors was thereby authorized to issue his or their warrant to the keeper or other person having the care of any such asylum, directing that such person should be discharged:—

It is Enacted,

XI. That whenever it shall be duly certified to the said Lord Lieutenant or other chief governor or governors, in manner aforesaid, that any such person has become of sound mind, or has ceased to be or is not a dangerous lunatic or a dangerous idiot, it shall and may be lawful for the said Lord Lieutenant or other chief governor or governors and he and they is and are hereby authorized to issue his or their warrant to the keeper or other person having the care of any such asylum, directing that such person shall be discharged.

XII. That whenever and as soon as the said central asylum shall be erected and fit for the reception of lunatics it shall be lawful for the said Lord Lieutenant or other chief governor or governors, if he or they shall so think fit, to direct, by warrant under his or their hand or hands, that any person who may be under any sentence of imprisonment or transportation in any gaol or place of confinement, or in any district asylum, and in respect of whom it shall be certified by two physicians or surgeons, or a surgeon and physician, that such person is or has become insane, shall be removed to the said central asylum; and every such person so removed shall remain under confinement in said asylum so long as such person shall remain subject to be continued in custody, or until it shall be duly certified to the said Lord Lieutenant or other chief governor or governors, by two physicians or surgeons, or a surgeon and physician, that such person has become of sound mind, whereupon the said Lord Lieutenant or other chief governor or governors is hereby authorized, if such person shall remain subject to be continued in custody, to issue his or their warrant to the keeper or other person having the care of any such asylum, directing that such person shall be remitted to the prison or other place of confinement from which he or she shall have been taken, or, if such person shall be entitled to his or her discharge, to direct the discharge accordingly.

And after reciting that by the said Act, 1 & 2 Geo. 4. c. 33, it is amongst other things enacted, that at any time after the passing of the said Act it should and might be lawful for the Lord Lieutenant or other chief governor or governors of Ireland, by and with the advice and consent of His Majesty's Privy Council in Ireland, to direct and order that any number of asylums for the lunatic poor in Ireland should be erected and established in and for such districts in Ireland as to the said Lord Lieutenant or other chief governor or governors and Privy Council should seem expedient; and that every such district should and might consist either of the whole of two or more counties, or of one or more county or counties and one or more county or counties of cities or towns, or of one county or county of a city or county of a town only, and no more, but should not in any case include part only of any county, county of a city or town; and that all lunatic poor within every such district respectively should be maintained and taken care of in the asylum belonging to such district; and that every such asylum established or to be established for any district consisting of more than one county, or one county of a city or county of a town, should be sufficient to contain such number of lunatic poor, not being less than 100 nor more than 160 in any one

asylum, as should seem expedient to such Lord Lieutenant or other chief governor or governors and Privy Council; and that where any such district should consist of only one county or county of a city or county of a town, and no more, every such asylum should be sufficient to contain such number of lunatic poor, not being less than fifty, as should seem expedient to such Lord Lieutenant or other chief governor or governors and Privy Council: And that the said Act was amended by 7 Geo. 4. c. 14: and that several such asylums have been erected and established, and the said asylums are capable of affording accommodation for a larger number of lunatic poor than the number limited by the said two last-recited Acts as the number which it is lawful under the provisions of such Acts to maintain and take care of within any one lunatic asylum: And that by 1 Will. 4. c. 13, the Richmond Lunatic Asylum was empowered to receive, maintain, and take care of within the said asylum any number of lunatic poor for the reception and accommodation of whom the said asylum should or might afford space or capacity: and that it is expedient to remove the limitation as to the number of lunatic poor which other district lunatic asylums now erected and established, or hereafter to be erected and established, may respectively receive, maintain, and take care of, and to extend the provisions of the said last-recited Act to the said other district lunatic asylums:—

*It is Enacted,*

XIII. That from and after the passing of this Act any enactment or provision contained in the said recited Act 1 & 2 Geo. 4, or in any other Act or Acts, whereby the number of lunatic poor to be maintained and taken care of in a district lunatic asylum is in any manner limited or restricted, shall be and the same is accordingly hereby repealed; and that notwithstanding anything in the said last-mentioned Act, or in any other Act or Acts to the contrary, it shall and may be lawful to receive, maintain, and take care of, within every such district lunatic asylum, any number of lunatic poor whatsoever, for the reception and accommodation of whom such asylum shall or may afford space and capacity; and that the care, maintenance, superintendence, and expenditure which shall be or become requisite for or in respect of all such lunatic poor shall be defrayed, raised, and provided for in all respects as the care, maintenance, superintendence, and expenditure requisite for or in respect of such limited number of lunatic poor as before the passing of this Act it was or might have been lawful to maintain and take care of in such lunatic asylum might or ought to have been defrayed, raised, and provided for: Provided, nevertheless, that the maximum number of lunatics admissible into such asylums respectively shall first be fixed and determined from time to time by the Lord Lieutenant or other chief governor or governors of Ireland.

And after reciting that by the said Act, 7 Geo. 4. c. 14, it was amongst other things enacted, that it should and might be lawful for the Lord Lieutenant or other chief governor or governors of Ireland, by and with the advice and consent of His Majesty's Privy Council in Ireland, from time to time and at all times, whenever and so often as should seem expedient to him or them so to do, to direct and order that any asylum or asylums for the lunatic poor in Ireland should be erected and established in any place or in and for any district in Ireland, in lieu of or in addition to any asylum or asylums erected under the authority of the therein and hereinbefore recited Act of the 1 & 2 Geo. 4, and from time to time to alter or change the district or places in or for which any such asylum or asylums shall have been or shall be erected under the authority of the said recited Act or the Act now in recital: And that the said Act does not provide for the enlargement or extension of said district asylums: And that the present accommodation in district asylums for pauper lunatics is insufficient, and it is expedient that further accommodation should be provided, so as to enable pauper lunatics to be received into said asylums as soon as may be after they are afflicted with insanity, without which it is frequently found impossible to cure the disorder:—

*It is Enacted,*

XIV. That if it shall be deemed necessary, at any time hereafter, to enlarge or extend the buildings of any district asylum for the lunatic poor in Ireland, or the out-offices thereof, or to procure more ground fit or necessary to be enjoyed therewith, and in every such case it shall and may be lawful to and for the Lord Lieutenant or other chief governor or governors of Ireland, by and with the advice of Her Majesty's Privy Council in Ireland, from time to time, and whenever it shall seem expedient to him or them so to do, to direct and order that such enlargement or extension shall be made, or such additional ground as may be required shall be obtained, or, where it shall be inconvenient or impracticable to erect or obtain additional buildings adjoining to any such district asylum or asylums, then that additional buildings, with the ground fit or necessary to be enjoyed therewith, shall be erected, established, rented, or purchased within the same district, and as near as conveniently may be to such asylums respectively; and such additional buildings and ground shall be held in connexion with and part of the asylum for the district in which said additional buildings or ground shall be situate; and every order in council made for any such purposes shall be published in the *Dublin Gazette*.

XV. That in order to provide for the more effectual treatment of pauper lunatics, by a better classification of the same, it shall and may be lawful for the Lord Lieutenant or other chief governor or governors of Ireland, by and with the advice and consent of Her Majesty's Privy Council in Ireland, from time to time and at all times, whenever and so often as shall seem expedient to him or them so to do, to direct and order that any existing asylum or additional buildings which may be made existing asylums under the provisions of this Act shall and may be exclusively appropriated for the sole and exclusive reception, custody, and treatment of a particular class of the said pauper lunatics distinguishable by the nature and character of the disease, and whether recent in its origin or chronic, or whether considered curable or incurable, or to direct and order that a provincial asylum for the lunatic poor shall be erected, established, and maintained in and for any or each of the provinces of Ireland to be so appropriated to any particular class or classes of lunatic poor of such province as aforesaid, such provincial asylums to be in addition to any district asylum or asylums erected or to be erected under said recited Acts or any of them, from time to time to make rules and orders for the government and controul thereof, and for the admission of lunatics, and with the view to make room in any such district lunatic asylum appropriated for the treatment and reception of incurable and curable cases for patients deemed capable of cure, it shall and may be lawful for the Lord Lieutenant or other chief governor or governors of Ireland from time to time to cause to be removed from such district lunatic asylum, to such other asylum connected with such district, and appropriated specially for chronic cases or cases apprehended to be incurable, any lunatics who shall be certified by the committee of management, the manager, and by the medical officer of such first-mentioned district asylum, as a proper patient to be removed to an asylum for chronic lunatics for such district, or connected therewith,



xvi. That all enactments contained in the said Acts of the 1 & 2 Geo. 4, and of the 7 Will. 4, and of the 11 Will. 4, and in any Act or Acts amending the same or any of them, shall and may from time to time and as occasion may require, so far as the same are applicable, and not repugnant to the provisions hereof, be extended, applied, used, exercised, and enforced to and in respect of any asylums, buildings, or ground which may be erected, purchased, or rented under the provisions of this Act, save and except as to such central asylum first herein mentioned; and that the expense of erecting, establishing, and maintaining every district asylum for the lunatic poor in Ireland, and every asylum which under the provisions of this Act shall be so exclusively appropriated for the reception of a particular class or description of pauper lunatics, together with the ground so rented or purchased, or the buildings so to be erected or obtained, adjoining to or in connexion therewith respectively, shall be raised in such manner as is directed by said Acts or any of them; and that every such asylum shall be subject to all such rules and regulations as are contained in the said recited Acts; and that the said Acts and this Act shall be construed together as one Act; and in any case of a provincial asylum erected and established for any province as aforesaid, such province, and the several counties, counties of cities and counties of towns, situate therein, shall be deemed and taken as a district attached to such asylum: Provided always, that the erection and establishment of any such provincial asylum shall not be deemed in any respect to prejudice or interfere with any district lunatic asylum situate therein, or any district assigned or attached to the same, or any provisions relating thereto.

And after reciting that by the said recited Act, 7 Geo. 4. c. 14, it is amongst other things enacted, that if it shall at any time happen that any money shall have been raised off any county, county of a city, or county of a town, or any part thereof, towards defraying the expenses of erecting, establishing, maintaining, or supporting of any lunatic asylum, and that by reason of any change of the district or place in or for which such asylum shall have been established such county, county of a city or county of a town, or any part thereof, shall be taken out of the district liable to be assessed for such expenses, then and in such case any sum or sums of money which shall have been raised off such county, county of a city or county of a town, or such part thereof as aforesaid, shall be raised off any and every county, county of a city or county of a town, or any part or parts thereof, which shall remain within such district; and all and every sum and sums which shall be so raised shall be repaid to the treasurer of the county, county of a city or county of a town, which shall have been removed from such district; and that whenever any county, county of a city or county of a town, or any part or parts thereof, which shall have been comprised in any former district, shall by reason of any such change as aforesaid be comprised in or shall form part of any new district, such county, county of a city or county of a town, or such part thereof, shall be and is hereby declared to be subject and liable towards the defraying the expenses of any asylum in or for such new district, in like manner as is directed by the said recited Acts or either of them, and as if such county, county of a city or county of a town, or such part thereof, had been originally comprised in or formed part of such new district: And that it is expedient that in case of any change of any such district as aforesaid no sum of money should be repaid to the treasurer of any such county, county of a city or county of a town, which shall be removed from such district, save and except for defraying the expense of erecting & establishing such lunatic asylum, but not for the expense of maintaining or supporting the same:—

It is Enacted,

xvii. That when any change of the district of any district asylum shall be made as aforesaid no sum of money for defraying the expenses of maintaining or supporting any such district asylum (after the same shall have been erected and established) shall from and after the passing of this Act be raised off any county, county of a city or county of a town, or any part thereof, which shall remain (or be) within such district, or be repaid to the treasurer of the county, county of a city or county of a town, which shall have been removed from such district, or be raised off any county, county of a city or county of a town, or part thereof, which shall have been comprised in any former district, and shall by reason of any such change be comprised in or form part of any new district for any such asylum, anything in the said recited enactment to the contrary notwithstanding.

And after reciting that by 6 & 7 Will. 4. c. 117, it is enacted, that when a lunatic asylum, or any ward or wards for the reception and support of idiots and insane persons, is connected with or under the direction of any house of industry in any county, it shall and may be lawful for the grand jury at any summer assizes to present such sum or sums, not exceeding the sum of 100*l.*, as shall appear to be necessary for the support of such asylum or ward connected with such house of industry, and such sum shall be raised off the county at large, and levied and applied accordingly: And that it is expedient that such places should not be used for the support, reception, or custody of insane persons, when sufficient accommodation for them shall be provided in district asylums;—

It is Enacted,

xviii. That whenever and as soon as such enlargement and extension of any such district lunatic asylum shall have been made as aforesaid, or any such additional asylum in connexion with any such district lunatic asylum for any such district shall have been erected, or whenever any existing district or provincial lunatic asylum shall be sufficient for the purpose, it shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland from time to time in any such cases to order and direct that all such idiots or insane poor persons as shall be at the time of such order kept, supported, or detained in any such house of industry, or in any lunatic asylum, or ward or wards for the reception or support of idiots or insane persons connected with or under the direction of any house of industry, shall be forthwith removed to the district or provincial lunatic asylum established for the district or province within which such house of industry shall be situate; and from and after the making of such order, and the publication of the same in the *Dublin Gazette*, such last-mentioned idiots and insane persons shall be accordingly without delay removed to such district or provincial lunatic asylum; and after the making and publication of such order it shall not be lawful to receive into, or support, keep, or detain any idiot or insane poor person in any such house of industry or asylum, or ward connected therewith; and from thenceforth no presentment shall be made by any grand jury for the support of such asylum or ward in or connected with such house of industry.

**xix.** That from and after the 1st of September next the Cork Lunatic Asylum shall and may be and become a district lunatic asylum for the county of Cork and the county of the city of Cork, and for such other county or counties, if any, as from time to time may, under the provisions of the said Act of the 1 & 2 Geo. 4, or any Act amending same, be constituted, together with the said county of Cork and county of the city of Cork, a district for a lunatic asylum; and that all rules, orders, regulations, rights, powers, authorities, privileges, liabilities, provisoes, and enactments contained in the said Act of the 1 & 2 Geo. 4, and of any Act or Acts amending same, and of this Act, shall and may, from time to time as occasion may require, be extended, applied, used, exercised, and enforced to and in respect of the district so constituted, in like manner to all intents and purposes as in the case of any district lunatic asylum created or established by or subject to the provisions of the said recited Act, or any Act amending same, or this Act.

**xx.** That from and after the said day it shall and may be lawful for the grand juries of the county of the city of Cork and of the county of Cork, and of each other county, if any, which may or shall from time to time constitute part of or be included in the district belonging to the said asylum, and such grand juries are hereby respectively required, to present, to be raised of the said city and each such county respectively, any sum or sums of money requisite to pay the expenses of the said asylum, as well those of any building, alteration, or reparation thereof, or of the purchase of any ground or property for the purposes thereof, as those of the maintenance, clothing, and other charges of the patients therein, in like manner, with the same authorities, and under the same regulations and restrictions, as are provided in and by the said Act, 1 & 2 Geo. 4, with respect to any district lunatic asylum, or any Act or Acts amending same, or in and by an Act, 6 & 7 Will. 4. c. 116, intituled, 'An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.'

**xxi.** That from and after the said 1st of September the said asylum, and the ground and soil where the same stands, and the several materials and appurtenances, shall be and become vested in such Commissioners as have been or shall, pursuant to the provisions of the said recited Act of the 1 & 2 Geo. 4. be nominated and appointed for the district to which the said asylum shall belong, or any three of them, and to their heirs and successors, in trust for and to the uses and purposes of the said asylum as such district lunatic asylum.

**xxii.** That it shall and may be lawful for the Lord Lieutenant or other chief governor or governors of Ireland for the time being, by and with the advice of Her Majesty's Privy Council in Ireland, to make and found such rules and regulations for the holding of lectures by the medical attendant or attendants of the said central asylum, or said provincial or district asylums, or any of them, as to the said Lord Lieutenant or other chief governor or governors of Ireland, with the advice of said Privy Council aforesaid, may seem fit.

And after reciting that it is expedient that more adequate provision be made for the inspection of all lunatic asylums under this and the hereinbefore recited Acts;—

It is Enacted,

**xxiii.** That the Lord Lieutenant or other chief governor or governors of Ireland shall be and he or they are hereby empowered, if they shall so think fit, to appoint one or two duly qualified and experienced persons to act as inspectors of lunatics in Ireland; and on such appointments the functions of the Inspectors General of Prisons in Ireland, so far as they relate to the inspection of lunatic asylums or other establishments for lunatics, shall be transferred to such inspectors of lunatics so to be appointed under this Act, and such inspectors of lunatics shall thereon undertake and perform all the duties in respect to lunatic asylums which heretofore have been undertaken and performed by the Inspector General of Prisons, under the provisions of any previous Act, and under this Act.

**xxiv.** That one of the said inspectors shall once or oftener in each year, on such day or days and at such hours of the day and for such length of time as they shall think fit, visit every asylum for lunatics or house for the reception of the same, and every gaol, union, workhouse, or house of industry in which there shall be or alleged to be any lunatic, and shall inquire whether the provisions of the law have been carried out in the management of such establishments respectively, and also as to the regularity of the admissions and discharges of patients therein and therefrom, and whether Divine Service is performed therein, and whether any system of coercion is in practice therein, and the result thereof, and as to the classification or non-classification of patients therein, and the number of attendants on each class, and as to the occupations and amusement of the patients and the effects thereof, and as to the condition as well mental as bodily of the patients when first received, and as to the dietary of the patients, and shall also make such other inquiries as to every or any such asylum, and all such inquiries as to the lunatics as aforesaid, as to such inspectors shall seem meet.

**xxv.** That from and after the 1st of January next ensuing the passing of this Act there shall be kept in each district asylum for the lunatic poor which is or may be hereafter established in Ireland a registry of admissions, a registry of discharges and deaths, and a medical journal, in the forms set forth in the Schedule to this Act annexed, which forms shall be adopted and used hereafter in the place of the forms for similar purposes now in use in such asylums respectively.

**xxvi.** That the term "criminal lunatic" in this Act shall be construed to mean any person acquitted on the ground of insanity, or found to have been insane under the provisions of the said Act of 1 & 2 Geo. 4; and the term "lunatic" shall be construed to mean any insane person.

**xxvii.** That this Act shall extend only to Ireland.

**xxviii.** That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

## SCHEDULE No. I.

## REGISTRY OF ADMISSIONS.

## REGISTER OF PATIENTS.\*

No. In Order of Admission.	Date of Admission.	Christian and Surname at Length.	Sex.		Age.	Condition as to Marriage.			Condition of Life and previous Occupation.	Previous Place of Abode.	County, Union, or Parish to which belonging.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Form of Mental Disorder.	Supposed Cause of Insanity.	Bodily Condition and Name of Disease (if any).	Epileptics.	Congenital Idiots.	Duration of existing Attacks.			Number of previous Attacks.	Age on First Attack.	Date of Discharge or Death.	Discharged.			Observations.		
			M.	F.		Married.	Single.	Widowed.											Years.	Months.	Weeks.				Recovered.	Relieved.	Not improved.		Died.	
Dec. 4, 1844.	1	1846: Jan. 3 William Johnson	1		23		1		Carpenter					Melancholia						4		2	17	1846: Sept. 1	1					
	2																													
	3																													
1	4	1846: June 9 William Johnson	1		25		1													7		3	-	1846: Dec. 2	1					
	5																													
	6																													
4	7	1843: May 6 William Johnson	1		29	1														3		4	-	1843: June 8	-					
	8																													

\* For the Name of an Asylum receiving both private and pauper Patients, a separate Register in the above Form to be kept for each Class.

## SCHEDULE No. 2.

## REGISTER OF DISCHARGES AND DEATHS.\*

Date of Discharge or Death.	Date of last Admission.	No. in Register of Patients.	Christian and Surname at Length.	Sex.		Discharged.						Died.		Assigned Cause of Death.	Age at Death.		Observations.
						Recovered.		Relieved.		Not improved.							
				M.	F.	M.	F.	M.	F.	M.	F.	M.	F.				
1846: Sept. 1.	1846: Jan. 3 -	1	William Johnson	1	-	1											
1848: Dec. 2.	1848: June 9 -	4	William Johnson	1	-	1											
1853: June 8.	1852: May 6 -	7	William Johnson	1	-	-	-	-	-	-	-	1	-	Phthisis	27		

\* In the case of an Asylum receiving both private and pauper Patients, a separate Register in the above Form to be kept for each Class.

## SCHEDULE No. 3.

## FORM OF MEDICAL JOURNAL.\*

Date.	Number of Patients.		Names of Patients under Restraint, and by what Means; and under Seclusion, and for what Period.		Names of Patients under Medical Treatment.		Report on State of Health of Patients, and Condition of Asylum.
	M.	F.	Males.	Females.	Males.	Females.	

\* In the Case of an Asylum receiving both pauper and private Patients, a separate Journal to be kept in the above Form for each Class.

## CAP. CVIII.—IRELAND.

AN ACT for the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the *Irish Fisheries*.

(8th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Treasury may appoint an additional Commissioner for Fisheries ; and allow him a salary.*
2. *The use of illegal weirs and nets to be subject to the same penalties as for erection.*
3. *Commissioners empowered to suspend the use of and remove illegal weirs and nets in places prohibited.*
4. *Appeal to Judge of assize.*
5. *No persons other than those entitled under 5 & 6 Vict. c. 106. to use nets, &c. on the coast of Ireland.—Penalty.*
6. *Persons re-erecting or using weirs decided to be illegal subject to a penalty for each day the same may remain.*
7. *Application to presentment sessions for compensation for malicious injury to legal fishing weirs.—Grand jury to adjudge.—*  
*Traverse.*
8. *In case of injury done on the verge of two or more counties, the amount may be apportioned thereon.*
9. *Commissioners to define distances from mouths of rivers.*
10. *Additional powers to enforce observance of the weekly and other close times.*
11. *Size of the meshes of the nets.*
12. *Commissioners may alter the size of meshes in certain localities.*
13. *Stamp duty in the appointment of water bailiff.*
14. *Power to prohibit the use of engines injurious to fisheries.*
15. *Commissioners may permit the use of trammel or other nets during the day time.*
16. *Oyster beds below lowest water of spring tide not to be deemed private property, unless held by charter or prescription.*
17. *Power to make oyster beds.*
18. *Persons stealing from such beds guilty of larceny.*
19. *Power to dredge during part of close time for oysters to supply beds.*
20. *Commissioners to make bye-laws for improvement of oyster fisheries.*
21. *Proprietors of oyster beds may appoint water bailiffs.*
22. *Decisions and judgments of Commissioners to be recorded, and copies to be evidence.*
23. *Penalties and forfeitures to be recovered and applied as directed by 5 & 6 Vict. c. 106.*
24. *Commissioners to have same powers, authorities, and privileges under this Act as under 5 & 6 Vict. c. 106.*
25. *Interpretation of words in this Act.*
26. *"Salmon" to include pollen or fresh-water herring.*
27. *Alteration of Act.*

By this Act,

After reciting the passing of 5 & 6 Vict. c. 106. and 7 & 8 Vict. c. 108. And that it is expedient, for the better regulation and improvement of the said fisheries, to give further power and additional means for the purpose of more effectually carrying out the provisions of the said Acts, and to amend the said recited Acts in the several particulars hereinafter mentioned:—

It is Enacted,

1. That it shall and may be lawful to and for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, by warrant under the hands of any three or more of them, if they shall so think fit, to appoint one person to be a Commissioner of Fisheries, to be associated with the Commissioners of Public Works in Ireland for the time being, and with them be a Commissioner for the execution of the said recited Acts and this Act during pleasure, and to remove such Commissioner, and to appoint another in the stead of the person so removed or dying or resigning; and it shall be lawful for the said Commissioners of Her Majesty's Treasury to pay to such person to be so appointed such sum by way of annual salary as the said Commissioners of Her Majesty's Treasury shall think fit; and such Commissioner of Fisheries, when so appointed, shall and may, for the purposes of the said recited Acts and this Act, have, use, and exercise all and every the like powers and authorities and have like privileges as are by said recited Acts or any of them vested in or given to the said Commissioners of Public Works or any of them; and all and every the powers and authorities in and by the said recited Acts and this Act given to or vested in the said Commissioners of Public Works, or which under the provisions of this Act may be used by or be vested in such new Commissioner, may be exercised by the said Commissioners of Public Works or by such new Commissioner appointed under this Act, or by any one or more of them.

11. That if any person shall, after the 20th of August 1845, fish with or use any stake weir, stake net, bag net, fixed net, or by contrivance for placing or erecting any net or engines, which under the provisions of the said first-recited Act are prohibited to be placed or erected in any part of any estuary or the mouth or tidal part of any river where the breadth of the channel at low water or spring tides is less than three quarters of a mile statute measure, or which are prohibited to be placed or erected within the space of one statute mile, seaward, coastwards, or inwards from one or on either side of the mouth or entrance of any river into the sea, the inland portion of which river is frequented by salmon, and the breadth of which mouth as now or hereafter to be defined by the said Commissioners, is less than half a mile statute measure at low water of spring

tides, any person so offending shall be subject and liable to such and the same penalty and penalties as by said first-mentioned Act the person or persons erecting or placing such weirs, nets, or contrivance for placing or erecting nets, are subject and liable to; and upon proof that any such weir, net, or contrivance has been so used or fished it shall be lawful for the Justices at petty sessions, or other the persons having jurisdiction to enforce the provisions of the said recited Acts or this Act, to direct the same to be forfeited and removed, and the materials thereof to be disposed of and dealt with in such and the same manner as by said first-recited Act is provided and directed in cases of the seizure of illegal nets, or legal nets when used contrary to law.

f And after reciting, that notwithstanding the provisions of the said first-recited Act with regard to the erection and use of stake weirs, stake nets, bag nets, fixed nets, and contrivances for fixing or placing nets, the same or some parts thereof are in many instances erected and used in places prohibited by the said recited Act by parties who have no title so to do; and it is expedient, for the protection of public rights, and to prevent disputes, that the said Commissioners should have power to suspend the use of such weirs, nets, and contrivances, and remove the same, in all cases where it shall appear to them that the same or any part thereof are illegally erected, placed, or used; and that the said Commissioners should for such purposes have and use the same powers and authorities with respect to such weirs, nets, and contrivances, or any part thereof, as they are now authorized under the said first-recited Act to use and exercise in cases of weirs or nets and contrivances erected in such manner as in their judgment to be injurious and detrimental to navigation;—

It is Enacted,

III. That it shall be lawful for the said Commissioners, upon and after complaint being made to them in writing, signed by the party making the same, and setting forth the circumstances under which any such stake weir, stake net, bag net, fixed net, or contrivance, or any part of the same, is or shall be so erected or used contrary to the provisions of the said recited Acts or this Act, to summon before them the party or parties complained of to attend at some place near or convenient to that in which any such weir, net, or contrivance may be so erected and used; and the said Commissioners shall accordingly at the time and place mentioned in any such summons, upon proof of the personal service of such summons, or upon proof of such summons having been left at or on board the vessel, or at or posted on the known residence of the party or parties complained of, proceed to hear all such pertinent evidence as may be adduced before them by or on behalf of the party making such complaint, as well as the party or parties complained of; and if after hearing all such evidence the said Commissioners shall so think fit and right it shall and may be lawful to and for the said Commissioners to make an order or decision in writing under their hands and seals, declaring that such stake weir, stake net, bag net, fixed net, or contrivance, or any part thereof, is a nuisance, and shall be abated and removed; and the said Commissioners are hereby empowered, by warrant under their hands and seals, to authorize any person to abate and remove any such stake weir, stake net, bag net, fixed net, or contrivance, or any part thereof, at the expense of the party or parties appearing to the said Commissioners to have erected or used the same; and, subject to the appeal hereinafter provided for, it shall be lawful to and for the said Commissioners to order and direct that the materials of any such weir, net, or contrivance, or any part thereof, be forfeited and sold, and the produce arising from such sale applied in such manner as is by the said first-mentioned Act provided in cases of illegal nets used, or legal nets illegally used, for fishing; provided always, that nothing herein contained shall extend to any case where the party who erected or used such stake weir, stake net, bag net, fixed net, or contrivance acted under a fair and reasonable supposition that he had a right to do the act complained of, and shall, if so required by the said Commissioners, give security, in such manner and in such amount not exceeding 100*l.* as the said Commissioners shall think fit, conditioned to appeal to the Judges of assize within such time and in such manner and subject to such regulations as are hereinafter provided in cases of appeals against any order or decision of the said Commissioners as last aforesaid, and upon such appeal to establish or prove before such Judges that he had a right or title to erect or use such weir, net, or contrivance, or any part thereof, at the time or in the place where the same may have been so erected or used; and it shall be lawful for such Judges or one of them to hear and decide such matter as aforesaid as if the same were an appeal from an order or decision made by the said Commissioners for the abatement as a nuisance of such weir, net, or contrivance, or any part thereof, and thereupon to certify under their or his hands or hand their or his decision whether such party had or had not established or proved before them or him such right or title as aforesaid.

IV. Provided and enacted, That if any person shall think himself aggrieved by any such order or decision of the said Commissioners such person may appeal to the next going Judges of assize at the assizes to be held for the county, county of the city or town, in which or on the shore or boundary of which any such weir, net, or contrivance shall have been so erected or used, provided such assizes shall be held at any time not less than thirty-one days after the time the said Commissioners shall have made any such order or decision; and in case such assizes shall be held within thirty-one days from the time of such order or decision, such appeal shall be made to the assizes to be held in and for such county, county of a city or town, next after such first assizes; and that no such appeal shall be allowed, received, heard, or determined, unless the party appealing shall, within twenty-one days from the date of such order or decision of the said Commissioners, give notice in writing to the said Commissioners of his intention to try such appeal; and it shall be lawful to and for the said Judges of assize or one of them to try the subject-matter of the said appeal, and decide whether the party appealing had a right to erect or use such weir, net, or contrivance, or any part thereof, at the time or in the place where the same may have been erected or used: Provided always, that in case of such appeal being made, and notice given as aforesaid, the materials of such weir, net, or contrivance, or any part thereof, as the case may be, shall be deposited in the custody of such officer or person of the coast guard or constabulary, or with such other party or person as the said Commissioners may direct or appoint for the purpose, there to remain and be kept until the matter of such appeal shall be decided as aforesaid, or until the time for prosecuting the same shall have expired, and if such decision shall be in favour of the appellant such materials shall thereupon be returned to such appellant.

And after reciting that under the provisions of the said first-recited Act the right to use stake weirs, stake nets, bag nets, and other fixed nets in the sea and tide-ways along the coast of Ireland is defined and declared, and certain persons therein mentioned and specified as the persons entitled to exercise such right as aforesaid:—

It is Enacted,

v. That if any person or persons, other than the persons entitled to exercise such right as aforesaid under the provisions of the said first-recited Act, shall erect, use, or fish with any stake weir, stake net, bag net, fixed net, or contrivance for placing or erecting nets on any part of the coast of Ireland, or in the sea or tideways adjoining the same, he or they shall for each offence forfeit and pay a sum not exceeding 10*l.*, and such weir, net or contrivance shall also be forfeited, and ordered by the magistrate before whom such person or persons may be convicted to be removed, at the expense of the offender, and the materials thereof disposed of in like manner as by said first-recited Act is directed in cases of illegal nets used, or legal nets used illegally, for fishing.

vi. That if, after any such order or decision of the said Commissioners as is in this Act hereinbefore authorized to be made, unless and until the same shall be reversed on appeal, any person shall again erect or use any such stake weir, stake net, bag net, fixed net, or contrivance, or any part thereof, as aforesaid, in or adjoining or contiguous to any place where it may have been ordered and decided by the said Commissioners that any such weir, net, or contrivance, or any part thereof, should be abated and removed, or if, contrary to the provisions of the said first-recited Act, 5 & 6 Vict. c. 106. s. 22, any person shall erect, re-erect, or use any such weir, net, or contrivance, or any part thereof, after conviction under the said Act of any person for erecting, or under this Act for using or fishing with, any such weir, net, or contrivance, or any part thereof, in the same place, or in, adjoining, or contiguous to the same, every such person shall, in addition to the penalties in and by the said Act or this Act prescribed, forfeit and pay a sum not exceeding 20*l.* for every day such weir, net, or contrivance, or any part thereof as aforesaid, shall remain so erected or used; and it shall be lawful to and for the said Commissioners, by warrant under their hands and seals, from time to time and as often as any such weir, net or contrivance, or any part thereof, as aforesaid, shall be so erected or used, to abate and remove the same.

vii. That in all cases of maliciously or wantonly injuring or destroying any weir, net, or other contrivance legally erected or used for taking fish, any person injured by any such offence, and intending to apply for compensation for any loss or damage sustained thereby, on serving the like notices, lodging the like application, and taking like proceedings (as nearly as the nature of the case will admit) as in and by an Act, 6 & 7 Will. 4. c. 116, intituled 'An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland,' are respectively required in cases of applications for compensation for malicious injuries under the said last-mentioned Act, shall be entitled to make application at presentment sessions as in and by the said Act provided as to cases of malicious injuries; and such application having been considered and dealt with at such presentment sessions in the manner in the said Act directed with regard to applications for compensation for malicious injuries, it shall and may be lawful for the grand jury of the county, county of a city, or county of a town in or on the shores or boundary of which or adjacent whereto such injury shall have been sustained, and such grand jury are hereby required, either to disallow such application altogether, or present such sum or sums of money as the person or persons so injured ought to receive for such injury or damage, to be levied off such county, or such barony, parish, district, townland, or sub-denomination thereof, as the grand jury shall direct: Provided always, that such application and presentment shall be subject and liable to the like traverse and all other proceedings, and be subject to the like regulations and provisions, as by the said Act, 6 & 7 Will. 4. c. 116, any application or presentment for compensation for malicious injuries is subject and liable to under the said Act, and as if such regulations and provisions were herein repeated.

viii. That in case such malicious injury as aforesaid shall be committed on the verge or within the distance of one mile of the boundary of any two or more counties, the person or persons who shall sustain such injury may apply for compensation in the manner hereinbefore directed in either or any one of such neighbouring counties, and all proceedings shall be taken thereupon as hereinbefore provided, and in and by the said Act, 6 & 7 Will. 4. c. 116, directed; and in case any sum or sums of money shall be presented by the grand jury of the county where such application shall be made, or shall be finally awarded by the verdict of any jury, as and for compensation to the person or persons applying as aforesaid, the Judge at the assizes of such county shall have power and authority to apportion the amount of such compensation amongst such neighbouring counties, and to direct the proportion of the same which shall be paid by such counties respectively, and shall certify the same accordingly, and such presentment shall thereupon be diminished or presentment made according to the proportion which the said Judge shall direct to be paid by such county; and the grand jury or grand juries of the said other neighbouring county or counties respectively shall and they are hereby required, on the production of the certificate of such Judge declaring the proportion to be paid by such county or counties, to present such proportion to be raised in the manner mentioned in the said Act 6 & 7 Will. 4. c. 116, and paid to the person so applying: Provided always, that no such presentment as aforesaid shall be considered as conferring or confirming any title in or upon the party making such application as aforesaid.

ix. That in all cases where the said Commissioners, under the provisions of the said first-recited Act, have heretofore defined or may hereafter define the mouth or entrance into the sea of any river, it shall and may be lawful for the said Commissioners, in addition to such definition and determination as aforesaid, to define and determine the points of termination of the respective distances prescribed by the said first-recited Act, and to illustrate and shew by a map or plan, or otherwise as they may consider best, the said points of termination, and the space or spaces within which it is by the provisions of the said first-recited Act prohibited to erect or use certain fishing weirs, nets, or engines, or to use or practise certain modes of fishing.

And after reciting that it is found expedient to give additional powers to enforce the strict observance of the weekly and other close times and seasons in and by the said first-recited Act required to be observed and kept:—

It is Enacted,

x. That it shall and may be lawful for all officers and men of the navy or coast guard service, and of the constabulary, and for any person appointed by or acting under the authority of the said Commissioners, when and as often as they or any of

them shall, in any fishing weir, net, or contrivance, during the weekly or other close time or season (as fixed under the provisions of the said first-recited Act), find any passage shut, closed, or obstructed, or during such close time in any place find any net or other contrivance placed or used where the same are now by law or may hereafter be prohibited by the said Commissioners, in pursuance of the powers in them vested, or shall at any time find any obstruction in the Queen's share or free gap through or over any fishing or other weir, or in the sluice passages appurtenant to any mill or factory at any time when the sluice gate of same shall be open, then and so often to open such passages and remove all such obstructions, doing no unnecessary damage, and to seize and remove all nets or parts of nets which may be found so as aforesaid placed or used contrary to the provisions of the said first-recited Act or this Act: Provided always, that nothing herein contained or done in pursuance of the same shall exempt any person from the penalties and forfeitures in and by the said first-recited Act prescribed in respect of any of the matters aforesaid; and provided also, that none of the parties or persons hereby authorized to open such passages or remove such nets or obstructions shall be liable for any damage caused by the opening of such passages, or removal of such nets or obstructions, unless the same shall be unnecessarily, wantonly, or maliciously done.

And after reciting that it has been found that the size of the meshes of nets (not made of wood, iron, or other rigid materials,) for the taking of salmon and trout in the sea and tideways, and the size of the meshes of all nets to be used in the inland and fresh-water portions of rivers, as fixed and prescribed by said first-recited Act, is too large, and permits the escape of great quantities of valuable fish as well as diminishes the value of much of the fish that may be taken:—

It is Enacted,

x. That so much of the said first-recited Act as fixes or prescribes the size of the meshes of any such nets as aforesaid shall be and is hereby repealed, and that from and after the passing of this Act no net, save as hereinafter provided, for the taking of salmon or trout in the sea, estuaries, or tideways, or for the taking of any fish in the inland and fresh-water portions of rivers and lakes, shall be used with a mesh of less size than one and three-quarter inches from knot to knot, to be measured along the side of the square, or seven inches, to be measured all round each such mesh, such measurements being taken in the clear, when the net is wet; and that if any person shall use any net contrary to this provision, such person shall be liable and subject to the penalties and forfeitures by said first-recited Act mentioned and prescribed in cases of any person using nets with meshes of less size than the size in the said Act prescribed and limited.

xii. Provided and enacted, That it shall and may be lawful for the said Commissioners, by any bye-law to be made in accordance with the provisions of said first-recited Act, and for such time as to them shall seem fit, to alter, in and for any particular district or locality, the size of the meshes of the nets as herein prescribed, and to permit the use of meshes of such other size in the said district or locality as the said Commissioners shall prescribe; and all parties using nets with meshes of a less size in such district or locality than such as shall be so permitted and prescribed by the said Commissioners shall be subject and liable to like penalties and forfeitures as by said first-recited Act mentioned and prescribed in cases of any person using nets with meshes of a less size than the size prescribed by said first-recited Act.

xiii. That the appointment of each water bailiff under the provisions of the said first-recited Act or this Act shall be subject to a stamp duty of 5s., and to no higher duty; anything in any other Act or Acts to the contrary notwithstanding.

xiv. That it shall and may be lawful for the said Commissioners, from time to time, by any bye-law made in pursuance of the provisions of said first-recited Act (subject to such penalties and forfeitures as by the said first-recited Act they are empowered to impose for the breach of any bye-law), to prohibit the use, at any time or season, of any engine or device for the capture of fish which, upon inquiry had, the said Commissioners shall deem to be injurious to the fisheries.

xv. That it shall and may be lawful for the said Commissioners (anything in the said first-recited Act to the contrary notwithstanding) to make and ordain, in the manner and under the regulations in the said first-recited Act mentioned, any bye-law authorizing the use between sunset and sunrise of any trammel or other net on any part of the coasts of Ireland, or the islands lying off the same, where such trammel or other nets may, in the opinion of the said Commissioners, be used during the daytime without injury to the fisheries.

xvi. That nothing in the said first-recited Act shall be construed to protect, as an exclusive right or private property, any oyster bed or oyster fishery lying below the level of the lowest water of spring tides, or to subject any person to be deemed guilty of or to be indicted for larceny for taking oysters from any such oyster bed or fishery, unless such oyster bed or fishery shall be legally possessed and enjoyed by some person by virtue of charter, grant, patent, or Act of Parliament, in and by which such oyster bed or fishery is specially granted, and the limits thereof accurately described, or unless the same has been held and enjoyed by prescription as an exclusive right and private property, within limits clearly defined.

And after reciting that the cultivation and improvement of the oyster fisheries may be greatly promoted by the formation and protection of artificial oyster beds or layings of oysters on the shore, above the level of the lowest water of spring tides, and on this purpose it is expedient to permit the formation and cultivation of such oyster beds, and to provide for the protection of the same in such and the same manner as by the said first-recited Act is provided for the making and protection of oyster beds:—

It is Enacted,

xvii. That it shall and may be lawful for the owner or occupier of any land bordering on the sea, or any estuary, with the permission in writing of the said Commissioners, or for any person or persons, with the consent of such owner or occupier, and with the permission in writing of the said Commissioners, to form or plant any oyster bed or laying on the shore adjacent to such lands, and between high and lowest water-mark of spring tides, and it shall be lawful for the several persons forming or planting any such oyster bed or laying to hold the same as private property, and to exercise an exclusive controul over the same, and such oyster beds shall be entitled to the like protection as by said Act is provided in case of any



other oyster beds or layings being the exclusive property of any person: Provided always, that the forming and planting of such oyster beds as aforesaid shall not give any exclusive right or title to the occupancy of the said shore, except for the purpose aforesaid, or to the appropriation of any public banks or beds at present resorted to for oysters, but that the rights hereinbefore granted and conferred are to be considered as exclusively applying to places where no such public oyster beds at present exist; saving to the Queen's most excellent Majesty, and all the subjects of this realm, the free and full exercise and enjoyment of all other rights of fishing or other rights whatsoever in or along the said shore, subject to the provisions herein and in said recited Acts or any of them contained.

XVIII. Provided and enacted, That if after the formation and laying of such oyster beds as aforesaid any person shall interfere with or take away any of the oysters from such bed, without the consent of the owners or occupiers of such bed, every person so offending shall be deemed guilty of larceny, and being convicted thereof shall be punished accordingly.

XIX. That for the purpose of replenishing and supplying such artificial oyster beds or layings, or other beds and layings the exclusive property of any person or persons, but for no other purpose whatsoever, it shall and may be lawful for any person to dredge for and take oysters from any natural public bed lying below the level of the lowest water of spring tides, during such part only of the close season as now fixed or hereafter to be fixed under the provisions of said first-recited Act, as the said Commissioners shall upon inquiry think fit to appoint for such purpose, for or in any district or place: Provided always, that if any oysters dredged or taken during such part of the close season shall be brought to shore, or sold or offered for sale, or be found in the possession of any person on land, or be used for any other purpose than the replenishing or supplying any such artificial or other bed as aforesaid, every person so offending shall forfeit all such oysters, and be subject and liable to the same penalties and forfeitures as by said first-recited Act prescribed in cases of offences against the provisions of the said first-recited Act for the observance of the close season with respect to oysters.

XX. That it shall and may be lawful for the said Commissioners from time to time to make and ordain, in the manner and with and under the powers and regulations in the said first-recited Act mentioned, such bye-laws, rules, and regulations as to them the said Commissioners shall seem expedient, to prevent the destruction or removal from the natural beds of small unsizeable oysters, and to fix by any such bye laws, rules, or regulations the size or dimensions of the smallest oysters which may be removed from such beds, and to appoint such means to be adopted in the dredging and culling of the oysters on the fishing grounds as will secure the return to the sea of all oysters of less dimensions than those to be so fixed, and during any part of the close time, or in places where in pursuance of said second-recited Act dredging for oysters shall be prohibited for a certain period, to prohibit, if they shall so think fit, that any boat shall have on board a dredge or other implements for the taking of oysters, and to make such other rules and regulations as to them shall seem fit for the increase, improvement, and protection of the oyster fisheries.

XXI. That it shall and may be lawful for any proprietor or tenant of any oyster bed or laying, or for any associated body of persons interested in the protection or improvement of any oyster fishery, to appoint, in the same manner and subject to the same restrictions and provisions as in and by the said first-recited Act and this Act are provided for the appointment of water bailiffs, any person or persons to be a water bailiff or water bailiffs for the protection of any such oyster fishery, and for the due enforcement of the provisions of the said first recited Acts and this Act in respect of the same, and of the bye-laws, rules, and regulations now or hereafter to be made by said Commissioners in relation thereto; and the water bailiffs so to be appointed shall have and may exercise and use all and every the same powers and authorities, and have the same privileges as by the said recited Acts or this Act are vested in or given to the water bailiffs appointed or to be appointed thereunder, so far as the same may be necessary for the purposes aforesaid.

XXII. That all orders and decisions, judgments and definitions, which shall be made, pronounced, or given by the said Commissioners under the provisions of the said recited Acts or this Act, shall be recorded in the office of the said Commissioners, and a copy of each such order, decision, judgment, or definition (as the case may be) shall be deposited with the clerk or clerks of the peace for the county or counties to any part of which, or the sea bordering on which or any part of which, the same shall relate or apply; and in all cases where it shall hereafter become necessary to prove any such order, decision, judgment, or definition in any court of law or justice, or elsewhere, a copy obtained from the office of any clerk of the peace with whom the same may be lodged, and certified by him to be a true copy thereof, shall be received and taken as full and sufficient evidence of the existence of any such order, decision, judgment, or definition; and any such order or decision, judgment or definition, shall not be quashed, set aside, or adjudged void or insufficient for want of form only, and shall not be liable to be removed by *certiorari* or otherwise into Her Majesty's Court of Queen's Bench, or any other of Her Majesty's courts of record in Dublin.

XXIII. That the several penalties, forfeitures, and expenses directed or empowered to be imposed, levied, recovered, or enforced under the provisions of the said recited Act of 7 & 8 Vict. or this Act, or by any bye law, rule, or regulation made or to be made by the said Commissioners in pursuance of the said recited Acts or this Act, may be recovered, levied, enforced, and applied in like manner and by such ways and means as are provided by the said first-recited Act, 5 & 6 Vict. c. 106, as to the penalties, forfeitures, and expenses imposed or provided thereby.

XXIV. That the said Commissioners shall, as to all matters and things done or to be done under the provisions of the said Act of 7 & 8 Vict. or this Act, have, use, and exercise the like powers and authorities and have the like privileges as are by the said first-recited Act, 5 & 6 Vict. c. 106, vested in or given to the Commissioners of Public Works, or any of them, under the said first-recited Act.

XXV. That the said herein-recited Acts of the 5 & 6 Vict. and 7 & 8 Vict. shall continue and be in full force and effect, save and except so far as the same are or either of them is altered by or inconsistent with any of the provisions of this Act, and that the said Acts and this Act shall be construed together as one Act; and that in the construction of this Act, except where the nature of the provisions or the context of this Act shall exclude such construction, the words "net," "salmon," "vessel," "river," "person," "proprietor," "county," and "estuary," shall be construed to have the meaning and extend

and be applied as in the said first herein-recited Act is directed and provided; and the words "said Commissioners," in the said recited Acts or this Act, shall be construed and mean and extend and be applied to the Commissioners of Public Works for the time being and any Commissioner to be appointed under this Act, or any one or more of them; and the expression "Judge of assize" shall, as to cases arising in the county of Dublin or county of the city of Dublin, mean and include a Judge of any of Her Majesty's superior law courts of record in Dublin at Nisi Prius at the sittings next after the pronouncing of any order or decision appealed from, or if such sittings shall commence within twenty-one days after the pronouncing of any such order or decision, then at the sittings next but one from the pronouncing of such order or decision; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and the words "close time" or "close season" shall, when used in the said Acts or this Act, be construed to mean the time or season within which it is or may be prohibited to fish for, take, or destroy, by certain specified means, or by any means whatsoever, as the case may be, any of the particular kinds of fish prohibited to be fished for or taken by such specified means, or by any means, as the case may be, during such time or season.

XXVI. That the word "salmon" in the said recited Acts and this Act shall also mean and be construed to extend to and include the fish called pollen or fresh-water herring, and the fry and spawn thereof; and all the provisions of the said recited Acts and this Act for the protection and regulation of the salmon fisheries shall extend to and include such pollen, save and except that the close season for said pollen shall be the same as that fixed by said first-recited Act for trout, unless such close season for pollen shall be altered by the said Commissioners in pursuance of the powers vested in them for altering the close time of any district, lake, or river; and during the open fishing time for such pollen it shall be lawful that the same may be fished for or taken by such nets or other means as the said Commissioners shall authorize, sanction, or direct.

XXVII. That this Act may be amended or repealed by any Act to be passed during this present session of Parliament.

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## CAP. CIX.

### AN ACT to amend the Law concerning Games and Wagers.

(9th August 1845.)

[See Appendix, for the clauses at length, p. iii.]

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## CAP. CX.

### AN ACT for the better collecting Borough and Watch Rates in certain Places.

(8th August 1845.)

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#### ABSTRACT OF THE ENACTMENTS.

1. *Overseers for parts of parishes and places within boroughs to raise district rates.*
2. *District rates to be allowed and published.*
3. *Persons aggrieved may appeal.*
4. *District rates to be sufficient to raise the amount required.—Collectors to account.—Surplus of district rate to be paid to the treasurer.—Separate rate made by overseers for raising watch rates to be accounted for, and surplus paid to the treasurer.*
5. *Persons rated may be excused on account of poverty.*
6. *Watch rates to be charged only upon persons liable thereto.*
7. *For recovery of rates.*
8. *Overseer may be appointed for two or more parts of parishes.*
9. *Alteration of Act.*

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#### By this Act,

After reciting that by 5 & 6 Will. 4. c. 76, authority was given to the councils of boroughs in certain cases to levy borough rates, and also watch rates, for the purposes of the said Act: And that the powers and directions given by the said Act, and certain other Acts relating thereto, for the levying, assessing, and collecting such borough rates and watch rates, are found to be insufficient for that purpose;—

#### It is Enacted,

1. That in every case in which any parish or place liable to support its own poor, or any extra-parochial place, shall lie partly within and partly without any such borough, and the council of such borough hath appointed or hereafter shall appoint one or more persons to act as overseer or overseers within that part of such parish or place, or those parts of such parishes or places, which is or are within the same borough, for making, levying, and collecting borough rates or watch rates

made or hereafter to be made therein, the person or persons so appointed shall be empowered to levy and raise, by an equal rate or assessment upon all the property within each of the parts of parishes or places respectively for which he or they shall be so appointed, which, if such part were a parish maintaining its own poor, would be rateable to the relief of the poor, such sums of money as shall be required in order to raise the several sums assessed upon such parts of parishes or places respectively, or to reimburse such person or persons as aforesaid such sums of money as he or they shall have paid for any borough rate or watch rate made or hereafter to be made by the council of the borough wherein such part of a parish or place, or parts of parishes and places, respectively, shall be situated; such rate or assessment, or respective rates or assessments, to be paid by the occupier or occupiers for the time being of such rateable property as aforesaid; and that the person or persons so appointed or to be appointed to act as such overseer or overseers for the purposes aforesaid shall have and exercise, in and for the purpose of making, levying, and collecting every such rate or assessment as aforesaid, all the powers which by the laws now or hereafter to be in force overseers of the poor have or may have for making, assessing, collecting, and recovering rates for the relief of the poor within their several parishes; and every such rate or assessment made or to be made by any person or persons appointed or to be appointed to act as overseer or overseers of the part of any parish or place within any such borough shall, for the purposes of this Act, be called a district rate.

11. That no such district rate, nor any separate rate made by overseers of the poor for raising a watch rate as hereinafter is mentioned, shall be demanded, collected, or payable, until the same shall have been allowed by two or more Justices of the Peace usually acting in and for such borough, and shall also have been published in like manner as rates for relief of the poor are by law required to be allowed and published.

111. Provided and enacted, That any person who shall think himself aggrieved by any such district rate as aforesaid, or by any separate rate to be made by any overseers of the poor for raising a watch rate as hereinafter is mentioned, may appeal to the Recorder of the borough in which such rate has been made, at the next quarter session for the same borough, or, in case there shall be no Recorder in such borough, to the Justices at the next court of quarter sessions for the county within which such borough is situated, or whereunto it is adjacent; and such Recorder or Justices respectively shall hear and determine the same, and shall award relief in the premises as in the case of an appeal against any rate made for the relief of the poor.

1V. That every such district rate as aforesaid made for the purpose of raising money to pay or reimburse any borough rate or watch rate charged by the council of the borough upon such part of a parish or place, and every separate rate to be made by overseers of the poor for raising a watch rate as hereinafter mentioned, may be at such amount or rate in the pound as may be necessary for raising the sum or respective sums so charged by such council, so that no such district rate, or rate for raising a watch rate, exceed two-pence in the pound of the annual value of property rateable thereunto, beyond the rate in the pound at which the council of the same borough shall have computed the general borough rate or watch rate so laid or charged by them; and that the person or persons collecting such district rate shall be liable to account as an officer appointed by the council of the borough in or for any part of which he shall act, and shall be liable to the same penalties, remedies, and proceedings in all respects, for refusing or neglecting to account and pay over the monies from time to time remaining in his hands, to which other officers appointed by the council are liable; and in case of there being a surplus in the hands of such person or persons arising from any district rate, above the amount for raising which such district rate was made, then such surplus shall be paid to the treasurer of the borough fund, to the credit of the place within and for which such district rate was made, and go in part of the next rate of the like denomination to be made and laid on such place by the council of such borough; and in regard to separate rates made by overseers of the poor for raising watch rates as is hereinafter mentioned, such overseers shall account for the money collected under or by virtue of such separate rates in like manner as for money collected under rates made for the relief of the poor; and in case of there being a surplus in the hands of such overseer, arising from any such separate rate made for raising a watch rate, above the amount to raise which such separate rate was made, then such surplus shall be paid to the treasurer of the borough fund, to the credit of the place within and for which such separate rate was made, and go in part of the next watch rate to be made and laid on such place by the council of such borough.

v. That it shall be lawful for the council of the borough in which any district rate, or any separate rate to be made by overseers of the poor for raising a watch rate as hereinafter mentioned, shall be made, or for any committee of the council appointed for that purpose, on application by or on behalf of any person rated in any such district rate, or rate for raising a watch rate, to be discharged therefrom, and on proof of his or her inability, through poverty, to pay the amount charged upon him or her by such district rate, or rate for raising a watch rate, to order that such person shall be excused from the payment of such district rate, or rate for raising a watch rate, and to strike out his or her name therefrom; and the sum at which such person was so rated in such district rate, or rate for raising a watch rate, shall not thereafter be collected, nor shall any person be charged therewith, or in any manner called or liable to account for the same, or for omitting to collect or receive the same.

vi. That in every case in which a part only of any parish or place liable to maintain its own poor, and situated within any borough, shall be liable to watch rate, the overseers of the poor of such parish or place shall not pay the amount of any watch rate charged by the council of such borough upon such parish or place out of money collected from any rate or rates for the relief of the poor, but shall make a separate rate or assessment upon the part or parts only of such parish or place liable to watch rates for raising and paying the same watch rate, which rate shall be made in like manner, and under like regulations, and with like means and remedies for recovery thereof, as are herein contained in relation to district rates.

vii. That it shall be lawful for the person or persons appointed or to be appointed to act as overseer or overseers for making, levying, and collecting borough rates and watch rates in the parts of parishes or places situate within the limits and jurisdiction of any city or borough as aforesaid, or any of them, and for the overseers of the poor making any separate rate or assessment for the purpose of raising the amount of any watch rate, by warrant from any two Justices of the Peace usually acting in and for the borough wherein the parishes, parts of parishes or places, in or for which any district rate, or rate for raising a watch rate, may be made, shall be situated, to levy upon every person who shall refuse to pay the amount assessed or charged upon him or her by any such district rate, or rate for raising a watch rate, according as they shall be assessed, the

amount so assessed or charged upon him, her, or them, together with the costs, and charges of recovering and enforcing payment of the same, to be ascertained by such Justices, by distress and sale of the offender's goods, rendering to the parties the overplus; and in default of such distress it shall be lawful for any two such Justices of the Peace to commit him or them to the common gaol or of used for the same borough, there to remain, without bail or mainprize, until payment of the said amount and arrearages.

VIII. That whenever there shall be within any borough two or more parishes or places, each separately maintaining its own poor, or two or more extra-parochial places, and each of them partly within and partly without the limits and jurisdiction of such borough, it shall be lawful for the council of such borough to appoint some one person or some two persons to act as overseer or overseers for making, levying, and assessing district rates and watch rates within any two or more of the parts of parishes or places, or within all the parts of parishes or places, lying within the limits and jurisdiction of such borough, without regard to the residence of the person or persons so to be appointed; and every person appointed to act as an overseer for the making, levying, and collecting district or watch rates under the provisions of this Act, and the Acts herein recited, shall be allowed and paid out of the borough fund such allowances or remuneration for his services as the council shall direct.

IX. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

## CAP. CXI.

AN ACT to amend the Laws relating to the assessing of County Rates.

(8th August 1845.)

[See this Act printed at length in the Appendix, p. viii.]

## CAP. CXII.

AN ACT to render the Assignment of satisfied Terms unnecessary.

(8th August 1845.)

[See Appendix, p. xii.]

## CAP. CXIII.

AN ACT to facilitate the Admission in Evidence of certain official and other Documents.

(8th August 1845.)

[See Appendix, p. xiii.]

## CAP. CXIV.

AN ACT for the Abolition of certain Fees in Criminal Proceedings.

(8th August 1845.)

[See Appendix, p. xiv.]

## CAP. CXV.—IRELAND.

AN ACT for the Appointment of a Taxing Master for the High Court of Chancery in *Ireland*.

(8th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *The taxation of costs in the Court of Chancery, Ireland, to be conducted by one Taxing Master, who shall discharge the duties in person.*
2. *Lord Chancellor to appoint the Taxing Master.*
3. *Appointment of deputy in case of absence.*
4. *Taxing Master may administer oaths and take affirmations.*

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5. *Persons swearing before Taxing Master subject to penalties for perjury.*
6. *Salary of Taxing Master.—Taxing Master may appoint and remove clerks and fill up vacancies.*
7. *Taxing Master and clerks not to take gratuities.*
8. *Persons employed under this Act not to practise as barristers, &c.—Solicitors, &c. accepting office, to be struck off the rolls.*
9. *Orders may be made for carrying Act into execution.*
10. *Orders under this Act may be varied.*
11. *Act not to affect other powers of Lord Chancellor.*
12. *Offices to be procured for the Taxing Master in the King's Inns, or to be rented or hired.*
13. *The Stamp duties imposed by the 4 Geo. 4. c. 78, in respect of taxation of costs in Chancery to be paid as heretofore.*
14. *Salaries, &c., to grow due from day to day, but to be payable quarterly out of the Consolidated Fund.*
15. *Interpretation of "Lord Chancellor."*
16. *Alteration of Act.*

By this Act,

After reciting that it is expedient to appoint a new officer for the taxation of costs in the High Court of Chancery in Ireland:—

It is Enacted,

i. That from and after the 1st of November 1845 the taxing of costs in the High Court of Chancery in Ireland shall be conducted by an officer to be denominated "The Taxing Master," who shall hold his office during his good behaviour, and shall discharge his duties in person, except where otherwise provided by this Act, and may be removed from his office by the Lord Chancellor of Ireland for misconduct; and the business to be transacted by such Taxing Master shall be the taxing of costs as aforesaid, and also such other business (if any) connected with the Court of Chancery in Ireland as the Lord Chancellor, with the advice and consent of the Master of the Rolls in Ireland for the time being, shall from time to time by any order direct; and the places, times, and manner in which the same shall be conducted shall be such as the Lord Chancellor shall from time to time by any order direct; and from and after the commencement of this Act no such costs shall be taxed by any other officer or person whomsoever.

ii. That the Lord Chancellor shall have power to appoint some fit and competent person to be the first Taxing Master under this Act, being a barrister at law of not less than ten years standing at the bar, or being a solicitor who shall for not less than ten years have practised as a solicitor of the said court; and that as often as the said Taxing Master so to be appointed, or any of his successors, shall die or resign or be removed from his office, the Lord Chancellor shall have power to appoint a Taxing Master, qualified as aforesaid, in the room of the Taxing Master who shall so die, resign, or be removed.

iii. That in case of absence from illness or other reasonable cause it shall be lawful for any Taxing Master under this Act to appoint a deputy, such deputy, and also the occasion for such appointment, being first approved by the Lord Chancellor; and that in case any Taxing Master under this Act, being absent as aforesaid, shall neglect to appoint such deputy, or to renew the appointment of a deputy, the Lord Chancellor may appoint a deputy; and every deputy to be appointed as aforesaid shall have all the powers and authorities of his principal, and shall be paid such sum out of the salary of his principal as the Lord Chancellor shall direct.

iv. That it shall be lawful for every such Taxing Master under this Act to administer the oaths and take the affirmations and attestations of honour which he may from time to time be required to administer and take by any order made by the Lord Chancellor, with the advice and consent of the Master of the Rolls for the time being.

v. That all persons swearing, affirming, or attesting before any Taxing Master under this Act shall be liable to all such penalties, punishments, and consequences for any wilful and corrupt false swearing or perjury as if the matters sworn, affirmed, or attested had been sworn, affirmed, or attested before the High Court of Chancery, or any of the Masters in Ordinary thereof.

vi. That every Taxing Master under this Act shall be entitled to receive such annual salary, not exceeding 1,000*l.*, as the Commissioners of Her Majesty's Treasury shall direct; and such Taxing Master may appoint, to assist him in his business, two clerks, and as many more as the Lord Chancellor, with the consent of the said Commissioners of Her Majesty's Treasury, shall from time to time by any order direct; and every such Taxing Master may from time to time remove such clerk or clerks, and fill up all vacancies in the office of such clerks, whether occasioned by death, resignation, or removal; and the said clerks shall respectively receive such salaries as may be directed by the Commissioners of Her Majesty's Treasury: Provided always, that no clerk shall be appointed, by a Taxing Master to fill up a vacancy while he shall have a clerk or clerks, unless the Lord Chancellor shall by any order declare such appointment to be necessary.

vii. That if any such Taxing Master, or any clerk of any Taxing Master, shall, for anything done or pretended to be done relating to his office or employment under this Act, or under colour of doing anything relating to his said office or employment, wilfully demand or accept, or appoint or allow any person whatsoever to take for him or on his account, or for or on account of any person by him named, any fee, gift, gratuity, or emolument, or any thing of value, other than what is allowed or directed to be taken by him under this Act, or any order made under this Act, the person so offending may, upon complaint made to the Lord Chancellor, be removed by him from any office or employment he may hold under this Act.

viii. That from and after the 30th of November next after the passing of this Act no person while he holds any office or employment under this Act shall practise as a barrister or as a solicitor or as an attorney; and that from and after the said 30th of November every solicitor or attorney who shall accept any office or employment under this Act shall be struck off the roll of solicitors of the High Court of Chancery, and off the roll of attorneys of any of Her Majesty's courts of record at Dublin on which his name may be.

rx. That it shall be lawful for the Lord Chancellor, with such advice and consent as aforesaid, to make and issue such orders as he shall think fit for carrying the provisions of this Act into execution, and also to make and issue such other rules and orders, not being inconsistent with the enactments and provisions of this Act, as he shall think fit, for establishing and settling the practice of the office hereby created, and the hours of attendance and holidays.

x. That any order or orders for the time being made under this Act may from time to time be annulled, altered, or varied by the like authority by which any such order or orders shall have been made, and new orders may from time to time be made for any of the purposes of this Act by the respective authorities by which orders are hereby authorized to be made.

xi. Provided and enacted, That nothing in this Act contained shall be construed to affect the general powers vested in the Lord Chancellor, either solely or otherwise, under any former Act.

xii. That it shall be lawful for the Lord Chancellor to procure and provide a suitable office or offices for the business of such Taxing Master in the buildings of the Four Courts, or King's Inns, Dublin, if the same can be conveniently procured therein; and if the same cannot be conveniently procured therein it shall be lawful for the Lord Chancellor to cause suitable offices to be rented or hired for carrying on the business of such Taxing Master.

xiii. And after reciting that by 4 Geo. 4. c. 78, certain stamp duties were, amongst others, imposed and are payable for and in respect of several proceedings in the offices of the Masters in ordinary of the Court of Chancery in Ireland, and, among others, for and in respect of certificates at the foot of bills of costs upon the taxation thereof, which said stamp duties are carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: And that it is expedient that the same stamp duties should be continued, and be payable and carried to the Consolidated Fund, in respect of the taxation of costs by the Taxing Master appointed under this Act, as were payable in respect of the taxation of costs in the said court before the passing of this Act, and that the salaries of such Taxing Master and his clerks, and the expenses of his office, should be paid out of the Consolidated Fund;—

#### It is Enacted,

That the several and respective duties of stamps payable by virtue of the said recited Act for and in respect of every certificate at the foot of any bill of costs shall continue to be paid and payable for and in respect of and shall be applicable to every certificate at the foot of any bill of costs upon, for, or in respect of any taxation of costs by any Taxing Master to be appointed by virtue of this Act, and shall be subject to the same rules, regulations, and provisions as the said Stamp Duties in the said recited Act mentioned, so far as the same shall be respectively applicable.

xiv. That all salaries under this Act shall grow due from day to day, but shall be payable on the 5th of January, 5th of April, 5th of July, and the 10th of October in every year, or on such other days as the Lord Chancellor shall from time to time by any order direct, and shall be paid to the parties entitled thereto, or their respective executors or administrators, by the Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and the expense necessarily incurred for hiring suitable offices for the business of such Taxing Master shall likewise be paid out of the said Consolidated Fund.

xv. That in the construction of this Act the expression "the Lord Chancellor" shall mean and include the Lord Chancellor of Ireland, the Lord Keeper and Lords Commissioners for the custody of the Great Seal of Ireland, for the time being.

xvi. That this Act may be amended or repealed by any Act passed in this present session of Parliament.

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#### CAP. CXVI.

### AN ACT for the Protection of Seamen entering on board Merchant Ships.

(8th August 1845.)

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#### ABSTRACT OF THE ENACTMENTS.

- The Board of Trade may license persons to procure seamen for merchant ships.*
- Manner of granting and revoking licence.*
- No person not duly licensed or interested in the ship to be concerned in procuring seamen to be entered.*
- No person interested in the ship shall knowingly receive seamen hired contrary hereto.*
- Penalty on every person guilty of any of the offences above described.*
- Unlicensed persons not to be employed for the purpose of engaging seamen.*
- No advance note or wages to be given or paid to any seaman until after the ship's articles have been duly signed.*
- Penalty for receiving remuneration for hiring seamen from any other than the owner, master, &c.*
- Persons not to be admitted on board merchant vessels before their arrival in dock or at the place of discharge without permission.*
- Penalty for soliciting sailors to become lodgers in houses of unlicensed persons, or removing sailors' effects from on board.*

11. *Penalty for receiving remuneration for board of sailors for longer period than is due, or for neglecting to return monies or effects belonging to seamen.*
12. *Recovery and application of penalties.*
13. *Form of conviction.*
14. *No certiorari, &c.*
15. *Explanatory clause.*
16. *Commencement of Act.*
17. *Alteration of Act.*

By this Act,

After reciting that the seamen of this kingdom have been for several years past subjected to grievous impositions and great injustice by certain persons who undertake to procure seamen to enter on board merchant ships who have no interest in the said ships: And that it is required that further protection should be afforded to seamen against the arts of such person:—

It is Enacted,

I. That from and after the 1st of September next the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations shall be and they are hereby empowered to license such persons as they may deem to be requisite and fit, and who may be desirous to take out such licences, to hire, engage, supply, or provide seamen to be entered on board merchant ships; and every such licence shall be granted for such period, upon such terms, and upon such security being given, and shall be revocable upon such conditions, as the Lords of the said Committee may at any time or times appoint.

II. That every such licence shall be granted, and every revocation thereof shall be made, by minute or resolution of the Lords of the said Committee, and a copy of any such minute or resolution, certified and signed by one of the secretaries or assistant secretaries of the said committee, shall be received as evidence of such licence or revocation, without further proof thereof.

III. That no person not licensed as aforesaid, or not being the owner, part owner, master, or person in charge of a merchant ship, or the ship's husband, shall hire, engage, supply, or provide a seaman to be entered on board any merchant ship; and no person, whether licensed or not, other than the owner, part-owner, master, or person in charge of a merchant ship, or the ship's husband, shall demand or obtain the register ticket of any seaman for the purpose or under the pretence of engaging him on board of any merchant ship.

IV. That no owner, part owner, master, or person in charge of any merchant ship, or ship's husband, shall knowingly receive or accept to be entered on board the said ship any seaman who has been hired, engaged, supplied, or provided to be entered on board thereof contrary to the provisions of this Act.

V. That every person guilty of any of the offences above described shall forfeit and pay for each and every seaman hired, engaged, supplied, or provided to be entered on board, and for every register ticket demanded or obtained contrary to the provisions of this Act, or for every seaman knowingly received or accepted to be entered on board contrary to the provisions of this Act, any sum of money not exceeding 20*l.* upon conviction thereof for each offence, although several seamen may be included in the same contract, or several tickets may be obtained or several seamen may be received or permitted to remain at the same time.

VI. That it shall be unlawful for any person to employ any unlicensed person or persons for the purpose of engaging or providing seamen to be entered on board merchant ships; and that any licensed person knowingly employing any unlicensed person for the purposes aforesaid shall forfeit and pay a sum not exceeding 20*l.*, and, in addition thereto, shall forfeit and lose his licence.

VII. That the owner, part owner, master, or person in charge of any merchant ship, or ship's husband, shall not pay or advance, nor give any notice in writing or otherwise in the nature of and purporting to be an advance note for any part of the wages of any seamen hired, engaged, supplied, or provided to be entered on board the said ship, until six hours after the ship's articles have been duly signed by the said seaman on board the said ship, and by the master or owner of the said ship, and then only to the said seaman himself, unless such wages or advance of wages be paid in money, in which case the payment thereof may be made to the said seaman himself at any period most convenient after the signing of the said ship's articles as aforesaid; and all payments of wages contrary to the provisions of this Act shall be and are hereby declared to be null and void, and the amount thereof shall be recoverable by the said seaman as if they had not been paid or advanced.

VIII. That if any person shall demand or receive from any seaman, or from any person other than the owner, part owner, master or person in charge of a merchant ship, or the ship's husband, requiring seamen, any remuneration whatever, either directly or indirectly, for and on account of the hiring, supplying, or providing any such seaman, he shall forfeit for every such offence a sum not exceeding 5*l.*

IX. That it shall not be lawful for any person (other than any officer or person in Her Majesty's service or employment to go and be on board any merchant vessel arriving or about to arrive at the place of her destination before or previous to her actual arrival in dock, or at the quay or place of her discharge, without the permission and consent of the master or person in charge of the said vessel; and if any person (other than as aforesaid) shall go and be on board any such vessel before or previous to her actual arrival in dock, or at the quay or place of her discharge, without the permission and consent of the said master or person in charge of the said vessel, he shall for every such offence forfeit and pay a sum of money not exceeding 20*l.*; and for the better securing the person of such offender the master or person in charge of the said vessel in

hereby authorized and empowered to take any person so offending as aforesaid into custody, and to deliver him up forthwith to any constable or peace officer, to be by him taken before a Justice or Justices, to be dealt with according to the provisions of this Act.

x. That if any person shall, on board any merchant ship, within twenty-four hours of her arrival at any port as aforesaid, solicit any seaman to become a lodger at the house of any person not so licensed as aforesaid, and letting lodgings for hire, or shall take from and out of such ship any chest, bedding, or other effects of any seaman, except under the personal direction of such seaman, and without having the permission of the master or person in charge of such ship, he shall be liable to forfeit and pay for every such offence the sum of 5*l*.

xi. That if any person shall demand and receive of and from any seaman payment in respect of his board or lodging in the house of such person for a longer period than such seaman shall have actually resided and boarded therein, or shall receive or take into his possession or under his controul any monies, documents, or effects of any seaman, and shall not return the same or pay the value thereof when required so to do by such seaman, after deducting therefrom what shall be justly due and owing in respect of the board and lodging of such seaman, he shall forfeit and pay a sum not exceeding 10*l*., over and above the amount or value of such monies, documents, or effects, after such deductions as aforesaid, which shall be adjudged to be forthwith paid to such seaman under the conviction by the Justices before whom such offence shall be heard and determined.

xii. That all penalties and forfeitures imposed by this Act shall and may be recovered, with costs, by summary proceedings before any two Justices of the Peace residing in or near to the place where the offence shall be committed or where the offender shall be; and if the sum imposed as a penalty or adjudged to be paid as aforesaid by any such Justices shall not be paid, either immediately after the conviction or within such reasonable time as such Justices shall at the time of the conviction appoint, it shall be lawful for the Justices to commit the offender or offenders to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Justices, for any term not exceeding six calendar months, the commitment to be determinable upon payment of the amount and costs; and all such penalties and forfeitures shall be paid and applied in manner following; (that is to say,) one moiety of such penalty shall be paid to the informer or person upon whose discovery or information the same shall be recovered, and the residue thereof shall be paid to the Seamen's Hospital Society: Provided always, that in all cases of complaint made by or on the behalf of any seaman under this Act the evidence of such seaman shall be received and taken notwithstanding he may be interested in the matter: Provided also, that such seaman shall not in any such case where he shall have been so examined receive any part of any penalty to be imposed, but only such sum as the magistrates before whom the case shall be heard shall adjudge him to receive for any monies or effects which shall appear to have been deposited by him with any such person as aforesaid.

xiii. That the Justices before whom any person shall be summarily convicted of any offence against this Act may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require; (that is to say,)

'Be it remembered, That on the                      day of                      in the Year of our Lord                      at                      in the County of                      [or Riding, Division, Liberty, City, &c., as the Case may be], A. O. is convicted before us [naming the Justices], Two of Her Majesty's Justices of the Peace for the said County, [or Riding, &c.,] for that he the said A. O. did [specify the Offence, and the Time and Place when and where the same was committed, as the Case may be]; and we the said Justices adjudge the said A. O. for his said Offence to forfeit and pay the sum of [here state the Amount of the Fine imposed, and, when necessary, add the Words "over and above the Sum of £                      which we the said Justices do hereby adjudge to be forthwith paid to the said E. F. [the Seaman], the same being the Value of Monies, Documents, or Effects of the said E. F. received by or taken into the Possession or under the Controul of the said A. O."]; and we the said Justices do also adjudge the said A. O. to pay the Sum of                      for Costs, and in default of immediate Payment of the said Sums of                      to be imprisoned in the                      for the Space of                      unless the said Sums shall be sooner paid [or, and we order that the said Sums of                      shall be paid by the said A. O. on or before the                      Day of                      ]; and we direct that the Sum of                      Part of the said Penalty, together with the said Sum of                      for Costs, shall be paid to C. D. [the Party informing], and the Residue of the said Penalty shall be paid to the Seamen's Hospital Society. Given under our hands, the Day and Year first above mentioned.'

xiv. That no such conviction shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of Her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

xv. That the words "merchant ships" inserted in this Act shall be understood to include every description of sea-going, sailing, or passage vessel lying and being within the United Kingdom of Great Britain and Ireland.

xvi. That this Act shall come into operation at the following times; (that is to say,) on the 1st of September, so far as respects the power of licensing hereinbefore given to the Lords of the said Committee of Privy Council, and on the 1st of November, so far as respects all other enactments of this Act.

xvii. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.



## CAP. CXVII.

AN ACT to amend the Laws relating to the Removal of poor Persons born in *Scotland, Ireland*, the Islands of *Man, Scilly, Jersey, or Guernsey*, and chargeable in *England*.

(8th August 1845.)

[See Appendix, p. xiv.]

## CAP. CXVIII.

AN ACT to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts; and to provide for the Revival of such Powers in certain Cases.

(8th August 1845)

## ABSTRACT OF THE ENACTMENTS.

1. Appointment of Commissioners.
2. Chairman of Commissioners.—Style of Commissioners.—To have a common seal.
3. Commissioners to make annual reports; and also special reports.
4. Power to appoint and remove Assistant Commissioners, &c.
5. Appointments under this Act limited to five years.
6. Salaries and allowances.
7. Allowances and salaries to be paid out of the Consolidated Fund.
8. Commissioners and Assistant Commissioners to make a declaration.
9. Documents of the Tithe Commissioners may be used.—Power to summon witnesses.
10. Commissioners may delegate powers to Assistant Commissioners.
11. Descriptions of land subject to be inclosed under this Act.
12. Wastes of manors and lands subject to indefinite common rights at all times not to be inclosed without previous direction of Parliament.
13. New Forest and Forest of Dean excepted.
14. Land within certain distances of large towns not to be inclosed without the previous direction of Parliament.
15. Village greens not to be inclosed; but provision may be made for preserving the surface and fixing boundaries.
16. Persons interested in lands for purposes of applications, &c.
17. Where the Crown is interested, who shall be substituted.
18. Where Duke of Cornwall is interested who shall be substituted.
19. Provision for persons jointly interested.
20. In case of disability, Commissioners to name substitutes.
21. Attornies may be appointed by persons interested.—Form of power of attorney.
22. Proportional interests, how estimated.
23. Proportional interests of lords of manors.
24. Commissioners to frame forms of applications, &c.
25. Upon application to the Commissioners, an Assistant Commissioner to inquire into the expediency of proposed inclosure.
26. Assistant Commissioner to report on application.
27. Commissioners to embody the conditions of proposed inclosure in a provisional order, and to take consents of parties interested.
28. Separate applications for separate tracts.
29. Consent of the lord of the manor.
30. Allotments for exercise and recreation may be required as conditions of inclosure.
31. Allotments for labouring poor.
32. Acts for the inclosure of lands in pursuance of the reports of the Commissioners to be deemed public general Acts.
33. Meeting for appointing valuer.
34. Instructions to valuer.
35. Valuer may be assisted by an Assistant Commissioner.
36. Alterations in the instructions to valuer by Commissioners not to be acted upon unless sanctioned by a majority of the persons interested.
37. A surveyor may be appointed where the parties interested think fit.
38. Form of declaration by valuer.
39. Power to set out boundaries of parishes.—Appeal on questions of boundary.
40. Non-attendance of jurymen.
41. Juries subject to same regulations as if returned for any court at Westminster.
42. Costs of appeal.
43. Security for costs to be taken by the Commissioners.

44. *Persons dissatisfied with determination of Commissioners may appeal to Court of Queen's Bench.*
45. *Power to straighten boundaries.*
46. *Valuer to hold meetings.*
47. *Claims to be delivered in writing.*
48. *Statement of claims to be deposited for examination.—Claims to be heard and determined by valuer, subject to appeal to Commissioners.*
49. *Titles not to be determined by valuer, Commissioners, or Assistant Commissioners.*
50. *Encroachments within twenty years.*
51. *Schoolhouses, &c. not to be deemed encroachments.*
52. *Encroachments of twenty years standing to be deemed ancient inclosures.*
53. *Rights in respect of tithes to be allowed.*
54. *Rights not sustainable in law to be allowed upon proof of sixty years usage.*
55. *Schedule of claims allowed by valuer to be made and deposited for inspection.—Claims may be reheard by Commissioners or an Assistant Commissioner.*
56. *Appeal against determination of the Commissioners.*
57. *Determination of Commissioners not appealed against conclusive.*
58. *Actions not to abate.*
59. *Commissioners may award costs.*
60. *Differences may be submitted to arbitration.*
61. *Power to valuer to make watercourses, &c.*
62. *Power to alter roads and ways.*
63. *Appeal to Quarter Sessions.*
64. *Trial of appeal.*
65. *Roads to be fenced.*
66. *Expenses of making and altering roads.*
67. *Roads to be repaired by the parish after certificate by two Justices of the Peace.*
68. *Private roads.*
69. *Rights of common may be suspended.*
70. *Course of husbandry may be directed.*
71. *Compensation for growing crops.*
72. *Allotment for repair of roads.*
73. *Allotments for public purposes.*
74. *Provision for awarding allotments for exercise to individuals, subject to the obligation of permitting it to be used.*
75. *Allotments for the labouring poor may be made subject to a corn rent-charge, to vary and be recoverable as a tithe rent-charge.*
76. *Allotment to the lord of the manor.*
77. *Allotment of residue.*
78. *The rent-charges payable out of allotments for the labouring poor to be allotted to persons entitled under the inclosure.*
79. *Separate allotments to be made in respect of separate titles.*
80. *Several allotments may by consent be laid together.*
81. *Cultivated land and buildings to be allotted to the proprietor.*
82. *Regard to be had to the situation of homesteads.*
83. *Allotments to be fenced.*
84. *If interest in land is sold before allotment is made the valuer to make the allotment to the purchaser.*
85. *Allotments to be made to representatives of parties dying.*
86. *Old inclosures may be allotted, with consent.*
87. *Allotments to freemen and other classes of persons entitled to common rights to be made to trustees.*
88. *Power to sell such allotments.—Application of purchase-money.*
89. *Meeting of persons so entitled for giving instructions to valuer.*
90. *Partitions may be made.*
91. *Costs of partition.*
92. *Exchanges.*
93. *Wills and settlements not to be affected.*
94. *Tenure of the allotments.*
95. *Leases at rack rent may be voided.*
96. *Seigniories not affected, except with consent.*
97. *Minerals under regulated pastures may be reserved, while minerals under lands to be held in severalty are relinquished.*
98. *Right to minerals under land inclosed existing distinct from the property in the surface, and not compensated upon inclosure, not to be affected.*
99. *Trees to be allotted with the land.*
100. *Cattle not to be depastured on roads.*
1. *Alteration may be made in allotments.*
2. *Valuer to draw up a report and annex thereto a map of the claims.*
3. *Report to be deposited for inspection.*
4. *Award to be drawn up by the valuer, and confirmed by the Commissioners.*
5. *Confirmation of award to be conclusive evidence that the directions of this Act have been obeyed.*
6. *Allotments to be in compensation of previous rights.*
7. *Allotments may be subdivided by supplemental order.*
8. *Allotment for the labouring poor shall be managed by the allotment wardens.*

109. *Such allotments how to be left.*
110. *Recovery of gardens on non-payment of rent, &c.*
111. *Possession, how to be recovered from tenant holding over.*
112. *Rents of allotment how to be applied.*
113. *Regulated pastures may be set out.*
114. *Conversion into regulated pasture to be deemed an inclosure.*
115. *Rule of rating to be established.*
116. *Property of soil of regulated pastures.*
117. *Election of field reeves.*
118. *Duties of field reeves.*
119. *Provision for rateable increase or diminution of rights.*
120. *Expenses to be raised by rate.*
121. *Power to apply the Act to pastures already stinted.*
122. *Expenses of application of Act to pastures already stinted.*
123. *Power to enter land for surveys, &c.*
124. *Expenses of inclosures.*
125. *Estimates of expenses to be approved of at a public meeting.*
126. *Remedies in case of non-payment of expenses.*
127. *Power to make additional rate.*
128. *Commissioners may remove valuers.*
129. *Valuer not to purchase lands in the parish for seven years after the award.*
130. *Repayment to Consolidated Fund.*
131. *Persons attending meetings to pay their own expenses.*
132. *Expenses of witnesses.*
133. *Power to mortgage allotments.*
134. *Power to sell parts of allotments.*
135. *Sales of parts of allotments how to be made.*
136. *Commissioners to receive and apply purchase-money.*
137. *Application of compensation money of parties under disabilities.*
138. *Investment of surplus when 200l. or upwards.*
139. *Payment of dividends in the meantime.*
140. *Application of money under 200l.*
141. *Under 20l.*
142. *Sale of land by valuer for expenses.*
143. *Conveyances to be made by Commissioners.*
144. *Application of purchase monies.*
145. *Notice may be given to reversioners.*
146. *Copies of award to be made and deposited.*
147. *Exchanges may be made of land not subject to be inclosed.*
148. *Division of intermixed lands.*
149. *Inconvenient allotments for the poor and public purposes may be exchanged for land more convenient.*
150. *Notices of such exchanges and divisions to be given.*
151. *Expenses of exchanges and divisions.*
152. *Commissioners may remedy defects and omissions of awards under local Acts of inclosure, or under 6 & 7 Will. 4. c. 115.*
153. *Commissioners may revive powers under local inclosure Acts lost by lapse of time, or otherwise.*
154. *Commissioners may appoint persons to complete proceedings in an imperfect inclosure.*
155. *Commissioners to give notice before proceeding to amend awards under local Acts.*
156. *Proviso for cases where dealings have been had with land on faith of inaccuracies, &c. proposed to be rectified.*
157. *Commissioners may confirm awards or agreements made under supposed authority of 6 & 7 Will. 4. c. 115.*
158. *Power to reduce the number of trustees under local Act where a sufficient number of persons qualified cannot be found.*
159. *Penalties and forfeitures how recoverable.*
160. *Distress, how to be made.*
161. *Distress not unlawful for informality.*
162. *Notices, how to be given.*
163. *Advertisements, awards, &c. free of duty.*
164. *Persons giving false evidence, &c. to be guilty of a misdemeanour.*
165. *Limitation of actions.*
166. *Proceedings not to be removed by certiorari.*
167. *Interpretation clause.*
168. *Act to extend only to England and Wales.*
169. *Alteration of Act.*

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By this Act,

After reciting that it is expedient to facilitate the inclosure and improvement of commons and other lands now subject to rights of property which obstruct cultivation and the productive employment of labour, and to facilitate such exchanges of lands, and such divisions of lands intermixed or divided into inconvenient parcels, as may be beneficial to the respective owners; and it is also expedient to provide remedies for the defective or incomplete execution and for the non-execution of powers created by general and local Acts of inclosure, and to authorize the revival of such powers in certain cases:—

It is Enacted,

I. That it shall be lawful for one of Her Majesty's principal Secretaries of State to appoint any two fit persons to be Commissioners under this Act, and at pleasure to remove the Commissioners so appointed, or either of them; and upon every vacancy in the office of such Commissioner some other fit person shall be appointed to such office in like manner; and the Commissioners so to be appointed shall, with the first Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the time being, be the Commissioners for carrying this Act into execution; and during any vacancy in the office of Commissioner under this Act it shall be lawful for the continuing Commissioners or Commissioner to act as if no such vacancy had occurred.

II. That the said first Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the time being shall be the chairman of the Commissioners acting in the execution of this Act; and such Commissioners shall be styled "The Inclosure Commissioners for England and Wales," and shall have their office in London or Westminster, and they, or any two of them, may sit from time to time, as they deem expedient, as a board of Commissioners for carrying this Act into execution; and the Commissioners shall cause to be made a seal of the said board, and shall cause to be sealed therewith all awards and orders made or confirmed by the Commissioners in pursuance of this Act; and all such awards and orders and other instruments proceeding from the said board, or copies thereof, purporting to be sealed with the seal of the said board, shall be received in evidence, without any further proof thereof; and no award or order of the Commissioners under the authority of this Act shall be of any force unless the same shall be sealed as aforesaid.

III. That the Commissioners shall from time to time give to any one of Her Majesty's principal Secretaries of State such information respecting their proceedings as such principal Secretary of State shall require, and shall in the month of January in every year send to one of the principal Secretaries of State a general report of their proceedings, specifying the applications which may have been made to them under the provisions of this Act, and the several cases in which they shall have authorized inclosures, and the grounds on which they may have withheld their consent to such application, and also the cases in which they shall be of opinion that proposed inclosures, which may not be made without the direction of Parliament, would be expedient; and such report shall separately distinguish all such proposed inclosures as relate to lands situate within fifteen miles of the city of London, and within such respective distances of other cities or towns as hereinafter mentioned, and shall state in each such case the special grounds on which they shall be of opinion that such inclosures shall be expedient; and as well in the cases in which they shall have authorized inclosures as in the other cases aforesaid such report shall state the extent of the land authorized and proposed to be inclosed, with such other particulars as hereinafter directed; and such report shall also specify the progress which shall have been made in inclosures which the Commissioners may have authorized, and in the inclosures which Parliament may have directed to be proceeded with; and every such report shall be laid before both Houses of Parliament within six weeks after the receipt of the same by such principal Secretary of State, if Parliament be sitting, or if Parliament be not sitting then within six weeks after the next meeting of Parliament; and such Commissioners may from time to time send to one of the principal Secretaries of State such special reports in relation to all or any of the matters aforesaid as they may think fit.

IV. That it shall be lawful for the Commissioners from time to time to appoint a sufficient number of persons to be Assistant Commissioners, and also a secretary, and such clerks, messengers, and officers as they shall deem necessary, and to remove such Assistant Commissioners, secretary, clerks, messengers, and officers, or any of them, and on any vacancy in any of the said offices to appoint some other person to the vacant office; and the persons so appointed shall assist in carrying this Act into execution at such places and in such manner as the Commissioners may direct: Provided always, that no such appointment shall be made by the Commissioners unless the Lord High Treasurer or any three or more of the Commissioners of Her Majesty's Treasury shall in the case of each such appointment consent thereto.

V. That no Commissioner or Assistant Commissioner, secretary, or other officer or person so to be appointed, shall hold his office for a longer period than five years next after the day of the passing of this Act, and thenceforth until the end of the next session of Parliament; and after the expiration of the said period of five years and of the then next session of Parliament so much of this Act as authorizes any such appointment shall cease.

VI. That it shall be lawful for the Lord High Treasurer or Commissioners of Her Majesty's Treasury to direct a salary, not exceeding 1,500*l.* by the year, to be paid to one of the Commissioners for the time being appointed under this Act; and, except as aforesaid, no salaries shall be paid to the Commissioners in respect of their appointments under this Act; and the allowances to the Assistant Commissioners, and the salaries of the secretary, clerks, messengers, and other officers to be appointed under this Act, shall be from time to time regulated by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any three of them: Provided always, that the allowance to an Assistant Commissioner shall not exceed the sum of 3*l.* 3*s.* for every day he shall be actually employed or travelling in the performance of the duties of his office; provided also, that the said Lord High Treasurer or Commissioners may allow to any Commissioner, Assistant Commissioner, secretary, clerk, messenger, or other officer such reasonable travelling and other expenses as may be incurred by him in the performance of his duties under this Act, in addition to his salary or allowance (if any) respectively.

VII. That the allowances and salaries of such Commissioner, Assistant Commissioners, secretary, clerks, messengers, and officers as aforesaid, and all other incidental expenses of carrying this Act into execution not herein otherwise provided for, shall be paid by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

VIII. That every Commissioner shall before he shall enter upon the execution of his office make the following declaration before one of the Judges of Her Majesty's Court of Queen's Bench or Common Pleas, or one of the Barons of the Court of Chexquer; (that is to say,)

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' I do solemnly declare, that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the Powers and Duties of a Commissioner under an Act passed in the Year of the ' Reign of Queen Victoria, intituled [*here set forth the title of this Act*].'

And every Assistant Commissioner shall, before he shall enter upon the execution of his office, make the like declaration (substituting the words "Assistant Commissioner" for the word "Commissioner") before such Judge or Baron, or before any two Justices of the Peace for the county, riding, division, liberty, or jurisdiction wherein such Assistant Commissioner shall be resident at the time of his appointment, or before a Master Extraordinary in Her Majesty's High Court of Chancery; and the appointment of every such Commissioner and Assistant Commissioner, with the time when and the name or names of the Judge, Baron, Justices, or Master Extraordinary before whom he shall have made the declaration aforesaid, shall be forthwith published in the *London Gazette*.

IX. That all awards, apportionments, agreements, writings, and maps in the custody of the Tithe Commissioners for England and Wales shall be open to the use and inspection of the Inclosure Commissioners for England and Wales, or any person by them authorized; and such copies of or extracts from such awards, apportionments, agreements, writings and maps as the Commissioners shall require shall be furnished to them for the purposes of this Act; and that the Commissioners or any Assistant Commissioner may, by summons under the seal of the commission or under the hands of such Assistant Commissioner, require the attendance of all such persons as they or he may think fit to examine upon any matter relating to any inclosure or proposed inclosure, or other proceeding under the authority of this Act, and also make any inquiries and call for any answer or return as to any such matter, and also administer or receive declarations, and examine all such persons upon declaration, and cause to be produced before them or him, upon declaration, all court rolls, and all rate books, instruments of tithe apportionment, and other public writings, maps, plans, and surveys of or belonging to any parish, or copies thereof respectively, in anywise relating to any such matter; and the Commissioners may, when they shall think fit, by summons under the seal of the commission, require the attendance before any valuer acting in the matter of an inclosure under this Act of all such persons as the valuer may certify to the Commissioners as persons whose testimony may be necessary for the matter of such inclosure, and cause to be produced before such valuer, upon declaration, all such court rolls, rate books, public writings, maps, plans, and surveys, or copies thereof, as aforesaid; and every valuer acting in the matter of an inclosure under this Act may also administer or receive declarations, and examine upon declaration all such persons as shall attend before him under such summons of the Commissioners, and all such persons as may voluntarily attend before him as witnesses in such matter: Provided always, that no such person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him; and no such person shall be required in any case, in obedience to any such summons, to travel more than ten miles from the place of his abode.

X. That the Commissioners may delegate to the Assistant Commissioners, or to any one or more of them, such of the powers hereby given to the Commissioners as the Commissioners shall think fit (except the power to confirm awards, or to do any act herein required to be done under the seal of the Commissioners), and the power so delegated shall be exercised under such regulations as the Commissioners shall direct; and the Commissioners may at any time recall or alter all or any of the powers delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made; and all acts done by any such Assistant Commissioner in pursuance of such delegated power shall be obeyed by all persons as if they had proceeded from the Commissioners, and the non-observance thereof shall be punishable in like manner.

XI. That all such lands as are hereinafter mentioned, (that is to say,) all lands subject to any rights of common whatsoever, and whether such rights may be exercised or enjoyed at all times, or may be exercised or enjoyed only during limited times, seasons, or periods, or be subject to any suspension or restriction whatsoever in respect of the time of the enjoyment thereof; all gated and stinted pastures in which the property of the soil or of some part thereof is in the owners of the cattle gates or other gates or stints, or any of them; and also all gated and stinted pastures in which no part of the property of the soil is in the owners of the cattle gates or other gates or stints, or any of them; all land held, occupied, or used in common, either at all times or during any time or season, or periodically, and either for all purposes or for any limited purpose, and whether the separate parcels of the several owners of the soil shall or shall not be known by metes or bounds or otherwise distinguishable; all land in which the property or right of or to the vesture or herbage, or any part thereof, during the whole or any part of the year, or the property or right of or to the wood or underwood growing and to grow thereon is separated from the property of the soil; and all lot meadows and other lands the occupation or enjoyment of the separate lots or parcels of which is subject to interchange among the respective owners in any known course of rotation or otherwise, shall be land subject to be inclosed under this Act.

XII. Provided and enacted, That no waste land of any manor on which the tenants of such manor have rights of common, nor any lands whatsoever subject to rights of common which may be exercised at all times of every year for cattle levant and couchant upon other land, or to any rights of common which may be exercised at all times of every year, and which shall not be limited by number or stints, shall be inclosed under this Act without the previous authority of Parliament in each particular case, as hereinafter provided; provided also, that neither this Act, nor anything which may be done under or by virtue thereof, shall authorize to be made any embankment, erection, or encroachment without the consent of the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, and where the consent of any grantee of the office of admiral or vice-admiral might have been required by law if this Act had not been passed, the consent also of such grantee, in or upon the shore of any harbour, or the bank of any navigable river so far as the tide flows up the same, or shall give to or confer upon any person any right, title, estate, or interest to or in any such embankment, erection, or encroachment already made other than what he may legally have at the time of the passing of this Act, or confer upon any person whatsoever any right, title, estate, or interest whatsoever in any lands or soil whereon the tide of the sea flows and re-flows.

XIII. Provided and enacted, that no part of the New Forest in the county of Southampton, or of the Forest of Dean in the county of Gloucester, shall be land subject to be inclosed under this Act.

XIV. Provided and enacted, That no lands situate within fifteen miles of the city of London, or within two miles of any city of town of ten thousand inhabitants, or within two miles and a half of any city or town of twenty thousand inhabitants, or within three miles of any city or town of thirty thousand inhabitants, or within three miles and a half of any city or town of seventy thousand inhabitants, or within four miles of any city or town of one hundred thousand inhabitants, shall be subject to be inclosed under the provisions of this Act without the previous authority of Parliament in each particular case, as hereinafter provided; and in all such cases the number of inhabitants shall be ascertained by the then last Parliamentary census thereof, and that the distance shall be measured in a direct line from the town hall, if there shall be any town hall, or if there shall be no town hall then from the cathedral or church, if there shall be only one church, or if there shall be more churches than one then from the principal market place of any such city or town.

XV. That no town green or village green shall be subject to be inclosed under this Act; provided that in every case in which an inclosure of lands in the parish in which such town green or village green may be situate shall be made under the authority of this Act it shall be lawful for the Commissioners, if they shall think fit, to direct that such town green or village green, provided such green be of equal or greater extent, be allotted to the churchwardens and overseers of the poor of such parish, in trust to allow the same to be used for the purposes of exercise and recreation, and the same shall be allotted and awarded accordingly, in like manner, and with the like provisions for making or maintaining the fences thereof, and preserving the surface thereof, and draining and levelling the same where occasion shall require, as hereinafter directed concerning the allotments to be made for the purposes of exercise and recreation; and such green may be so allotted in addition to other land which may be allotted for the purposes of exercise and recreation, or, if the Commissioners shall think it sufficient, may be allotted in substitution for other land which might have been required to be allotted for such purposes; and in every case in which such town green or village green shall adjoin land subject to be inclosed under this Act, and shall not be separated from such land by fences or known bounds, the Commissioners shall, in the provisional order concerning such inclosure, set out a boundary line between such green and the adjoining land, and shall in their annual general report mention and describe such boundary.

XVI. That for the purposes of this Act the persons interested in land subject to be inclosed under this Act, or otherwise subject or to become subject to the provisions of this Act, shall be deemed to be the persons hereinafter mentioned, and no others; (that is to say,) the persons who shall be in the actual possession or enjoyment of any such land or any part thereof, or any common or common right thereon, or any manor of which such land or any part thereof shall be waste, or who shall be in the actual receipt of the rents and profits of such land or part thereof, common, or common right, or manor respectively, except any tenant for life or lives or for years holding under a lease or agreement for a lease on which a rent of not less than two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and except any tenant for years whatsoever holding under a lease or agreement for a lease for a term which shall not have exceeded fourteen years from the commencement thereof, and except any tenant from year to year at will or sufferance,) and that without regard to the real amount of interest of such persons; and in every case in which any such land, common, or common right, or manor, shall have been leased or agreed to be leased to any person or persons for life or lives or for years by any lease or agreement for a term on which a rent of not less than two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and in every case in which any such land, common, or common right, or manor, shall be in the possession of a tenant from year to year at will or sufferance, or shall have been leased or agreed to be leased for a term which shall not have exceeded fourteen years from the commencement thereof, the person who shall for the time being be entitled to the said land, common, or common right, or manor, in reversion immediately expectant on the term created or agreed to be created by such lease or agreement for a lease respectively, or subject to the tenancy from year to year at will or sufferance, shall be deemed to be the person interested as aforesaid in respect of such land, common, or common right, or manor; and in every case in which any such land, common, or common right, or manor, as aforesaid, shall have been leased or agreed to be leased to any person for life or lives or for years by any lease or agreement for a lease in which a rent less than two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded fourteen years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease shall, jointly with the person who shall be liable to the payment of such rent of such land, common, or common right, or manor, be deemed for the purposes of this Act to be the person interested in respect of such land, common, or common right, or manor respectively; and in every case in which any person shall be in possession or enjoyment or receipt of the rents or profits of any such land, common, or common right, or manor, under any sequestration, extent, elegit, or other writ of execution, or as a receiver under any order of a court of equity, the person who but for such writ or order would have been in possession, enjoyment, or receipt of the rents and profits, shall, jointly with the person in possession, enjoyment, or receipt by virtue of such writ or order, be deemed for the purposes of this Act to be the person interested in respect of such land, common, or common right, or manor respectively.

XVII. That whenever Her Majesty shall be interested in land as aforesaid the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings for the time being, or in case Her Majesty shall be so interested in right of the Duchy of Lancaster the Chancellor of the Duchy of Lancaster, shall for the purposes of this Act, and to the extent of each respective interest, be substituted for the person interested as aforesaid.

XVIII. That whenever the Duke of Cornwall shall be interested in land as aforesaid the Lord Warden of the Stannaries shall for the purposes of this Act, and to the extent of such interest, be substituted instead of the person interested as aforesaid.

XIX. That whenever an interest in land according to the provisions of this Act shall be vested in several persons as trustees or in joint tenancy, such persons shall for the purposes of this Act be considered as jointly interested, and entitled to one vote only in respect of their joint interest; but any one or more of such persons may, unless the other or others of them shall dissent therefrom, act or vote under this Act; and the majority in number of any such persons may, notwithstanding

standing any dissent of the minority, act or vote under this Act in the same manner as if all such persons had concurred; and whenever several persons as tenants in coparcenary or in common shall be so interested, each coparcener or tenant in common shall for the purposes of this Act, and to the extent of the value of his respective undivided share, be deemed separately interested and entitled to vote as if he were tenant in severalty.

**xx.** That whenever any person interested in land as aforesaid shall be an infant, lunatic, idiot, feme covert, or under any other legal disability, or beyond the seas, the guardian, trustee, committee of the estate, husband, or attorney respectively, or in default thereof such person as may be nominated for that purpose by the Commissioners, and whom they are hereby empowered to nominate under their hands and seal, shall for the purposes of this Act be substituted in the place of such person so interested.

**xxi.** That it shall be lawful for any person interested in any land subject to be inclosed under this Act, or otherwise subject or to become subject to the provisions of this Act, by a power of attorney, given in writing under his hand, to appoint an agent to act for him for the purposes of this Act; and all things which by this Act are directed to be done by or with relation to any such person may be lawfully done by or with relation to the agent so duly authorized of such person; and every such agent shall have full power, in the name and on behalf of his principal, to sign, concur in, and execute any application or Act, to signify consent or dissent, and to vote on any question arising out of the execution of this Act; and every person shall be bound by the Acts of any such agent, according to the authority committed to him, as fully as if the principal of such agent had so acted; and the power of attorney under which the agent shall have acted, or a copy thereof, authenticated by the signature of a witness or witnesses, shall be deposited in the office of the Commissioners; and any such power of attorney may be in the form following:

' I                      of                      do hereby appoint                      of                      to be my Attorney  
' for all the Purposes of an Act passed in the                      years of Her present Majesty, intituled

XXII. Provided and enacted, That the proportional value of the respective interests of the several persons interested in any land subject to be inclosed under this Act, or otherwise subject or to become subject to the provisions of this Act, shall, so far as relates to the power to sign any application, or to give any notice or consent, or to vote at any meeting under this Act, be estimated as hereinafter mentioned; (that is to say), where their interests shall be in respect of land or other rateable property, then according to the proportional sums at which such land or rateable property shall be rated to the relief of the poor; and when their interests shall be in respect of rights of common enjoyed or claimed in respect of any land, and not defined by numbers or stints, then according to the proportional sum at which the land in respect of which they enjoy or claim such rights of common shall be rated to the relief of the poor; and in case such interests shall be in respect of rights in a gated or stinted pasture, or of other rights defined by numbers or stints, then according to the proportional amount of their respective numbers or stints; but in case such interests shall be in respect of rights of common in gross, not rated to the relief of the poor, and not defined by numbers or stints, or in case, from any other cause, it shall appear to the Commissioners, or to the Assistant Commissioner presiding at any meeting held for the purposes of this Act, impracticable to estimate such proportional value in manner aforesaid, it shall be lawful for the Commissioners or such Assistant Commissioner to direct in what manner such proportional value shall be estimated, regard being had to the circumstances of each particular case: Provided always, that in every case in which such Assistant Commissioner shall have directed in what manner such proportional value shall be estimated under the power hereinbefore contained he shall specially report to the Commissioners the circumstances under which it shall have become necessary to exercise such power, and the directions he shall have given in the exercise thereof.

**XXIII.** That the proportional value of the interest of the lord of a manor interested as lord in any land subject to be inclosed under this Act, or, in case there shall be several lords of a manor or lords of several manors so interested in any land subject to be enclosed under this Act, the proportional value of the respective interests of such lords, shall for the purposes aforesaid be estimated in such manner as the Commissioners may direct.

xxiv. That the Commissioners shall frame and cause to be printed and circulated as they shall see occasion, forms indicating the particulars of the information to be furnished to the Commissioners by persons proposing to inclose land under the provisions of this Act, with reference to the extent and nature of the land to be inclosed, to the mines, minerals or valuable strata (if any) under the same, to the questions of boundary (if any) concerning such land, or such mines, minerals, or strata, to the numbers and occupations of the inhabitants of the parish or place, to its vicinity to or distance from any city or town or populous district, to the parties interested in the proposed inclosure, and the numbers who have assented to or dissented from the application, to the nature of the rights which require the intervention of the Commissioners or the interference of Parliament, to the supposed advantages of the proposed inclosure, to the allotments (if any) proposed to be made for exercise and recreation and for the labouring poor, and to the allotment (if any) agreed on or proposed to be made to the lord of the manor, in case the lord of the manor shall be entitled to the soil of the land proposed to be inclosed, in respect of his right and interest therein, and such other information as in the judgment of the Commissioners may assist them in forming an opinion on such application, and also such other forms as the Commissioners may deem requisite or expedient for facilitating proceedings under this Act.

xxv. That any persons interested in land subject to be inclosed, and proposing to inclose the same under this Act, may make application to the Commissioners according to the form which may have been circulated as aforesaid by the Commissioners to sanction such inclosure, or to certify in their annual general report the expediency of such inclosure, as the case may require; and in case the Commissioners shall, on the statements contained in such application, think that the inclosure of such land, or of some part thereof, may be found to be expedient, they shall refer such application to an Assistant Commissioner, who shall inspect the land proposed to be inclosed, and inquire into the correctness of the statements in such application, and otherwise into the expediency of the proposed inclosure; and such Assistant Commissioner shall hold a meeting or meetings, to hear any objections which may be made to the proposed inclosure, and any information or evidence

which may be offered in relation thereto, and may adjourn such meetings respectively, and shall cause notice to be given on the church door of the parish in which the land proposed to be inclosed, or the greater part thereof, shall be situate, and also a like notice to be given by advertisement of the time and place of every such meeting, fourteen days at least before every such meeting (meetings by adjournment only excepted): Provided nevertheless, that it shall not be lawful for the Commissioners to refer such application to the Assistant Commissioner, nor for the Assistant Commissioner to take any further proceedings upon any such application, unless it shall be made to appear to them or him respectively that the persons making such application represent at least one-third in value of the interests in the lands therein proposed to be inclosed.

XXVI. That the Assistant Commissioner to whom such application shall be referred shall report in writing to the Commissioners the result of his inquiries as to the statements contained in the application, and his opinion as to the expediency or in expediency of the proposed inclosure, with the reasons for such opinion; and in case he shall think such inclosure expedient he may specify any terms or conditions which may appear to him to be proper for the protection of any public interests, and of any mineral property or peculiar rights in relation to the land proposed to be inclosed, and shall annex to his report a map or sketch of the land proposed to be inclosed, and in case he shall be of opinion that allotments for exercise and recreation or for the labouring poor should be made in the proposed inclosure, such sketch shall shew the place in which it shall appear to him that such allotments should be made.

XXVII. That if on the report of the Assistant Commissioner, or after any further inquiries they shall think necessary in relation thereto, the Commissioners shall be of opinion, having regard as well to the health, comfort and convenience of the inhabitants of any cities, towns, villages, or populous places in or near any parish in which the land proposed to be inclosed or any part thereof shall be situate, as to the advantage of the proprietors of the land to which such application shall relate, that the proposed inclosure would be expedient, the Commissioners, by provisional order under their seal, shall set forth the terms and conditions on which they shall be of opinion that the inclosure should be made, and especially the quantity and situation of the allotments (if any) which under the provisions of this Act should be appropriated for the purposes of exercise and recreation and for the labouring poor, and, in case the lord of the manor shall be entitled to the soil of the land proposed to be inclosed, shall specify the share or proportion of the residue of the land which, after provision made for the payment of expenses, in case the expenses shall, under the provisions hereinafter contained, be so directed to be paid by sale of land, and after deducting the allotments to be made for public purposes, should be allotted to the lord of the manor in respect of his right and interest in the soil, either exclusively or inclusively of his right or interest in all or any of the mines, minerals, stone, and other substrata under such land, or inclusively or exclusively of any right of pasturage which may have been usually enjoyed by such lord or his tenants, or any other right or interest of such lord in the land to be inclosed, as the case may appear to the Commissioners to require, or as the parties interested, with the approbation of the Commissioners, may have agreed, and in case there shall be any mineral property, or any rights in relation thereto, not vested in the lord of the manor, or other rights which shall appear to the Commissioners proper to be specially provided for upon such inclosure, or to be excepted from the operation thereof, shall specify the provisions or exceptions which should be made in that behalf; and the Commissioners shall thereupon cause notice to be given of their intention to authorize the proposed inclosure, or (as the case may be) to certify in their annual general report the expediency of the proposed inclosure, but upon the terms and conditions in such order expressed, and in case the consents required by this Act should be given within the time in such notice specified, or within any enlarged time which the Commissioners may allow for that purpose; and the Commissioners shall cause to be deposited for inspection a copy of such provisional order in the parish or place in which the land proposed to be inclosed, or some part thereof, shall be situate, and may, in case they shall think fit, cause meetings to be holden by an Assistant Commissioner for the purpose of taking consents or dissents, or of ascertaining the interests of consenting or dissenting parties, or give such directions as to the mode of taking and verifying consents as they shall think fit; and in case it shall appear to the satisfaction of the Commissioners that persons the aggregate amount of whose interests in the land proposed to be inclosed shall not be less in value than two-thirds of the whole interest in such land, and the other persons, if any, whose consents may be necessary under the provisions hereinafter contained, shall have consented to such inclosure, upon the terms and conditions in such order expressed, then, if the land proposed to be inclosed cannot be inclosed under this Act without the previous direction of Parliament, the Commissioners shall in their next annual general report certify their opinion that the proposed inclosure would be expedient, with such particulars in relation thereto, or to the terms and conditions aforesaid, as they shall think necessary; and in case the land proposed to be inclosed shall be land to the closure of which under this Act the previous direction of Parliament is not hereby required, the Commissioners shall cause notice to be given on the church door and by advertisement of their intention to proceed with such inclosure under the provisions herein contained: Provided always, that where the freemen, burgesses, or inhabitant householders of any city, borough, or town shall be entitled to rights of common or other interests in the land proposed to be inclosed, the Commissioners shall not certify the expediency of the proposed inclosure, or proceed further under this Act, unless it shall appear to the Commissioners that two-thirds in number of such of the freemen and burgesses so entitled as may be resident in such city, borough, or town, or within seven miles thereof, or of such inhabitant householders, as the case may be, shall have consented to such inclosure, on the terms and conditions in their provisional order specified; and in case two-thirds in number of such resident freemen and burgesses, or of such inhabitant householders, shall have so consented, such consent shall be deemed the consent of the class of freemen, burgesses, or inhabitant householders, as the case may be, so entitled.

XXVIII. That when it shall appear to the Commissioners that land proposed to be inclosed under this Act shall be in part act of open and common arable, meadow, or pasture lands or fields, and in part a tract of common or waste lands subject to rights of common, or shall otherwise consist of separate and distinct tracts subject to separate and distinct rights or classes of rights, and the persons interested in one of such tracts shall not be all interested in the other of them, it shall be lawful for the Commissioners to ascertain whether persons interested in each of such tracts whose interests shall not be less than two-thirds in value of the whole interest therein shall consent to the proposed inclosure, on the terms and conditions in their provisional order specified; and in case it shall thereupon appear that such proportion in value of the persons interested in such tract as aforesaid shall not have consented, the said Commissioners shall not proceed further under this Act in



respect of such tract, or certify in their annual general report the expediency of the inclosure thereof, unless or until persons interested therein whose interest shall not be less than two-thirds shall have consented thereto.

XXIX. Provided and enacted, That when the land to which such application shall relate shall be the waste of any manor, or land within any manor to the soil of which the lord of such manor shall be entitled in right of his manor, then, unless there shall be more than one person interested in such manor, according to the definition of this Act, the Commissioners shall not proceed to an inclosure on such application, or certify in their annual general report the expediency thereof, unless the person interested in the land subject to be inclosed as aforesaid in right of such manor, or his substitute under this Act, shall consent to such inclosure; and where there shall be more than one person interested in such manor the Commissioners shall not proceed to an inclosure, or certify as aforesaid the expediency thereof, in case such persons, or the majority of such persons in respect of interest, shall signify their dissent within the time limited by the Commissioners.

XXX. That in the provisional order of the Commissioners concerning the inclosure under the provisions of this Act of any waste land of any manor on which the tenants of such manor have rights of common, or of any other land subject to rights of common which may be exercised at all times of the year for cattle levant and couchant, or to any rights of common which may be exercised at all times of the year, and which shall not be limited by number or stints, it shall be lawful for the Commissioners to require, and in their provisional order to specify, as one of the terms and conditions of such inclosure, the appropriation of an allotment for the purposes of exercise and recreation for the inhabitants of the neighbourhood, not exceeding the quantity hereinafter mentioned applicable to each case; that is to say, where the land to be inclosed shall be situate in any parish the population of which according to the then last previous parliamentary census shall amount to or exceed ten thousand persons, ten acres; where the land to be inclosed shall be situate in any parish the population of which according to such census shall amount to or exceed five thousand persons and be less than ten thousand persons, eight acres; and where the land to be inclosed shall be situate in any parish the population of which according to such census shall amount to or exceed two thousand persons and be less than five thousand persons, five acres; and in every case, except as aforesaid, not exceeding four acres; and if in the provisional order for such inclosure the Commissioners shall not have required the appropriation of an allotment for the purposes of exercise and recreation, the Commissioners shall in their annual general report state the grounds on which they shall have abstained from requiring such appropriation.

XXXI. That in the provisional order of the Commissioners concerning the inclosure under the provisions of this Act of any waste land of any manor on which the tenants of such manor have rights of common, or of any land whatsoever subject to rights of common, which may be exercised at all times of the year for cattle levant and couchant as aforesaid, or to any rights of common which may be exercised at all times of the year, and which shall not be limited by number or stints, it shall be lawful for the Commissioners to require and specify as one of the terms and conditions of such inclosure the appropriation of such an allotment for the labouring poor as the Commissioners shall think necessary, with reference to the circumstances of each particular case, such allotment, nevertheless, to be subject to a rent-charge, to be payable thereout to any person or persons who may be entitled to allotments under such inclosure as hereinafter provided; and if in the provisional order for such inclosure the Commissioners shall not have required the appropriation of an allotment for the labouring poor the Commissioners shall in their annual general report state the grounds on which they shall have abstained from requiring such appropriation.

XXXII. That in case by any Act of Parliament hereafter to be passed it shall be enacted that the inclosures the expediency of which shall have been certified by the Commissioners in their annual general report as aforesaid, or any of them, be proceeded with, the same shall in every case be proceeded with and completed according to the provisions of this Act, and on the terms and conditions in the provisional order of the Commissioners specified in that behalf; and every such Act of Parliament hereafter to be passed containing such enactment as aforesaid shall be deemed a public general Act.

XXXIII. That as soon as conveniently may be after the passing of any Act of Parliament by which any inclosure shall be directed to be proceeded with under the provisions of this Act, or (in the case of land subject to be inclosed under this Act without the previous direction of Parliament) as soon as conveniently may be after the expiration of thirty days from the publication by the Commissioners of the notice of their intention to proceed with an inclosure under this Act, the Commissioners shall call a meeting of the persons interested in the land to be inclosed, of which twenty-one days' notice shall be given by advertisement, to be held for appointing a valuer to divide, set out, and allot such land, or so much thereof as shall not be directed to be set out for public purposes, among the persons interested therein, and to set out, divide, and improve in such manner as hereinafter mentioned, so much thereof as shall be directed to be set out for public purposes; and the Commissioners, if they shall so think fit, may appoint an assistant Commissioner to be present and to preside at such meeting, and to take the votes of the persons present thereat; and the persons, or their agents, present at the meeting, or the majority in number, and the majority in respect of interest, may appoint a valuer; and in case the majority in number and the majority in respect of interest shall not agree upon the appointment, then the Commissioners shall appoint a valuer: Provided always, that no person shall in anywise act as an assistant Commissioner in an inclosure under this Act, or be appointed a valuer in such inclosure, who shall be interested in such inclosure, or shall be the agent ordinarily intrusted with the care, superintendence, or management of the estate of any person so interested.

XXXIV. That at the meeting for appointing a valuer, or at some other meeting called by the Commissioners for the purpose, the persons present, by themselves or their agents, at such meeting, or the majority in number and in respect of interest of such persons, may resolve upon instructions to the valuer not inconsistent with the terms and conditions of the provisional order of the Commissioners, and of any Act hereafter to be passed by which the inclosure may have been authorized, for the appropriation of parts of the land proposed to be inclosed for such public purposes as hereinafter mentioned, or any of them; that is to say, for the formation of public roads and ways; for widening or improving existing public roads and ways; for a supply of stone, gravel, or other materials for the repairs of the roads and ways within the parish in which such land shall be situate; for the formation of such public drains, watercourses, or embankments as may appear conducive to the health and advantage of such parish or the neighbourhood; for the formation or improvement of public ponds

wells, and watering places; for a place of exercise and recreation for the inhabitants of the neighbourhood; for allotments or field gardens for the labouring poor; for a supply of fuel for the poor or other inhabitants of such parish; for land for any burying ground, or enlarging any burying ground; for the site of any church or chapel, parsonage house, school, workhouse, or garden to be attached thereto respectively; or for any other purpose of public utility or convenience, or for the general convenience or accommodation of the persons interested in the land to be inclosed; and also, upon instructions to such valuer, for the formation, alteration, or improvement on the land to be inclosed of private or occupation roads and ways, common ponds, ditches, watercourses, embankments, tunnels, bridges, and fences, or any of them, or any other works for the improvement of such land, or for the convenience of the occupiers of the respective allotments thereof; and also for the adoption and use, for the purposes of the inclosure, of a copy of any map or plan which shall have been confirmed under the hands and seal of the Tithe Commissioners of the land in question, or of any other map or plan of the accuracy of which the Inclosure Commissioners shall be satisfied, or for making any new survey, map, or plan; and as to all other matters and things which may be proper to be done in the matter of the inclosure; and also for the raising and payment of all expenses incident to such inclosure, either by sale of part of the land proposed to be inclosed, or by such rate as hereinafter provided, as to the persons present at such meeting, or such majority as aforesaid, shall seem fit; and the majority in number and value as aforesaid may make any agreement with the valuer for the payment of such valuer for the duties to be performed by him under this Act; and all such instructions, and such agreement (if any), shall be reduced into writing, and shall be sent by the Assistant Commissioner (if any) present at the meeting, or otherwise by the chairman of the meeting, to the office of the Commissioners; and it shall be lawful for the Commissioners, having regard to the protection of the rights of all persons interested in the inclosure, to allow or disallow such instructions, in whole or in part, or to make such alterations therein or additions thereto, not inconsistent with the terms and conditions of such provisional order and Act as aforesaid, and to allow or disallow such agreement, as they shall think proper; and in case no instructions shall have been so resolved upon, and sent to the Commissioners, or in case they shall disallow the instructions so resolved upon and sent, it shall be lawful for the Commissioners to frame such instructions as they shall think proper, not inconsistent with the terms and conditions of such provisional order and Act as aforesaid; and in case no such agreement shall have been sent, or the agreement sent shall have been disallowed, it shall be lawful for the Commissioners to make such order for the payment of the valuer as they shall think proper; and a copy, under the seal of the Commissioners, of all such instructions, as the same shall have been allowed, altered, or framed as aforesaid, shall be delivered to the valuer, with a copy of such provisional order and Act of Parliament (if any) as aforesaid; and the valuer shall in his proceedings in such inclosure observe and obey the directions and declarations of such provisional order, Act, and instructions respectively.

XXXV. That the said valuer, upon the hearing and determining of any contested claim or objection, or upon awarding any costs, as hereinafter mentioned, shall, if he think proper, or if the persons interested shall in their instructions to the valuer so direct, be assisted by an assistant commissioner, specially appointed as an assessor, who shall be a practising barrister-at-law of five years standing at the least; and the determinations of the said said valuer as to all such contested claims and objections, and costs, shall be made pursuant to and in conformity with the decisions of such assessor: Provided nevertheless, that such assessor shall not interfere further in the execution of this Act than in settling what contested claims shall be allowed or disallowed, and what costs, if any, shall be allowed to or paid by any parties making or objecting to such claims.

XXXVI. Provided and enacted, That if the Commissioners shall alter or add to the instructions to the valuer which shall have been resolved upon at a meeting of the persons interested as aforesaid, or shall disallow any such instructions and frame other instructions in lieu thereof, the Commissioners shall cause to be deposited for inspection, as hereinbefore directed with respect to the provisional order, a copy of the instructions so altered, or of the instructions so added to with the additions, or of the instructions so framed by the Commissioners, as the case may be, and shall call a meeting, with fourteen days' notice, of the persons interested as aforesaid, for the consideration thereof; and if such altered instructions, or such additions to the instructions, or the instructions so framed by the Commissioners, as the case may be, shall not be approved by the majority in number and the majority in respect of interests of the persons present at such meeting or at the adjournment thereof, or at some other meeting of the persons interested as aforesaid, called with such notice as aforesaid, such inclosure shall not be proceeded with unless and until some instructions to the valuer, resolved upon or approved by the majority in number and the majority in respect of interests at some meeting of the persons interested as aforesaid, called with such notice as aforesaid, or at some adjournment thereof, shall be finally allowed by the Commissioners.

XXXVII. That at the meeting for appointing a valuer, or at some other meeting called by the Commissioners for this purpose, it shall be lawful for the persons, or their agents, present at such meeting, or the majority in number, and the majority in respect of interest (if they shall so think fit), to appoint a surveyor for the purposes of such inclosure, to assist the valuer under the directions of the valuer in the admeasurement, mapping, and setting out of the lands to be inclosed.

XXXVIII. That no valuer shall be capable of acting until he shall have made and subscribed, before the said Commissioners or some Assistant Commissioner, Justice of the Peace, or Master Extraordinary in Chancery, the following declaration; (that is to say,)

do solemnly declare, that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, perform all the Duties of a Valuer in the Inclosure of \_\_\_\_\_ according to the provisions of an Act passed in the \_\_\_\_\_ Year of the Reign of Her Majesty Queen Victoria, intituled \_\_\_\_\_

And in declaration it shall be lawful for the Commissioners or any Assistant Commissioner, Justice, or Master Extraordinary in Chancery, to administer; and every such declaration so made and subscribed shall be countersigned by the person before whom the same shall have been made and shall be sent by him to the office of the Commissioners; and a certificate, under the seal of the Commissioners, that the person named in such certificate has been appointed a valuer in the matter of an

inclosure, and has made and subscribed the declaration required by this Act, shall be conclusive evidence of such appointment, and of his having made and subscribed such declaration.

XXXIX. That in case it shall be represented to the Commissioners by the valuer acting in the matter of any inclosure, that the boundaries of any parish or manor in which the land proposed to be inclosed, or any part thereof, shall be situate, and of any parish or manor adjoining thereto, are not then sufficiently ascertained and distinguished, it shall be lawful for the Commissioners, or any Assistant Commissioner by them appointed for that purpose, after giving such notices as they or he shall think necessary for the protection of the rights of all persons interested in this behalf, to ascertain and set out the same respectively in writing under the hand and seal of such Assistant Commissioner, or under the seal of such Commissioners; and after the said boundaries shall be so ascertained and set out and fixed the same shall and are hereby declared to be the boundaries of such parishes and manors respectively; and the Commissioners or Assistant Commissioner shall, within one calendar month after ascertaining and setting out the boundaries, publish the same, by causing a description thereof in writing to be delivered to or left at the place of abode of one of the churchwardens or overseers of the poor of each of the parishes of which the boundary shall be so set out, and of the lords of the several manors of which the boundary shall be so set out, or of the stewards of the respective manors, and shall give notice that such boundary has been so set out, and that such description has been so left as aforesaid, by advertisement: Provided always, that any person interested in the determination of the Commissioners or Assistant Commissioner respecting the said boundaries, who shall be dissatisfied with such determination, may within one calendar month next after the publication of the said boundaries, by delivering or leaving such description as aforesaid, give notice in writing of his dissatisfaction to the Commissioners, specifying the particulars in respect whereof he may be dissatisfied, and request that the matter in dispute may be submitted to the determination of a jury; or any person dissatisfied may, within one calendar month after such publication of the said boundaries, give notice in writing to the Commissioners of such dissatisfaction, and of such particulars thereof, and of his intention to apply to the Queen's Bench to remove the determination of the Commissioners or Assistant Commissioner, by certiorari, into the said court; and in every case in which any person shall have requested that the matter in dispute may be submitted to the determination of a jury as aforesaid, and no notice shall have been given to the Commissioners by any person, within the time hereinbefore limited, of his intention to apply to the Court of Queen's Bench to remove the determination of the Commissioners or Assistant Commissioners, by certiorari, as aforesaid, or such determination shall not have been removed within the time hereinafter limited, the Commissioners shall and they are hereby required to issue a warrant under their hands and seal to the sheriff of the county in which the parishes and manors in question, or one of them, shall be situate, commanding such sheriff to impanel, summon, and return, and such sheriff is hereby accordingly empowered and required to impanel, summon, and return, a jury of at least eighteen sufficient and indifferent men, qualified according to the laws of the realm to be returned for trial of issues in Her Majesty's courts of record at Westminster; and the persons so to be impanelled, summoned, and returned are hereby required to appear before any Assistant Commissioner specially appointed by the Commissioners for that purpose at such time and place as in such warrant shall be appointed, and to attend from day to day until duly discharged; and out of such persons so to be impanelled, summoned, and returned a jury of twelve men shall be drawn by the said Assistant Commissioner, or by some person to be by him appointed, in such manner as juries for trials of issues joined in Her Majesty's courts of record at Westminster are by law directed to be drawn; and in case a sufficient number of jurymen shall not appear at the time and place so to be appointed as aforesaid such sheriff shall return other honest and indifferent men of the standers-by, or of others that can speedily be procured to attend that service (being so qualified as aforesaid), to make up the said jury to the number of twelve; and all parties concerned may have their lawful challenges against any of the said jurymen, but shall not challenge the array; and the said Assistant Commissioner is hereby empowered and required to summon before him all persons who shall be thought necessary to be examined as witnesses touching the matter in question, and may authorize or order the said jury, or any six or more of them, to view the boundaries, or the part thereof which is in controversy; and such jury shall upon their oaths, or being Quakers upon their affirmations (which oaths and affirmations, as well as the oaths and affirmations of all such persons as shall be called upon to give evidence, the said Assistant Commissioner is hereby empowered and required to administer), inquire into and ascertain the said boundaries, or such part thereof as shall have been in controversy, and shall declare whether the said boundaries, as described and set out and published as aforesaid, are or are not the true boundaries of the respective parishes and manors respectively, and in case they shall declare that the same are not the true boundaries, then shall declare in what manner the boundaries so described and set out and published as aforesaid ought to be amended, and shall give verdict accordingly; and the Assistant Commissioner shall reduce such verdict to writing, and certify the same to the Commissioners, under his hand and seal; and in case such jury shall have declared that the boundaries so described and set out and published as aforesaid ought to be amended, the Commissioners shall amend the same in accordance with such verdict, and such amended boundaries shall thenceforth be conclusive on all persons whomsoever.

XI. That if any person so summoned and returned upon any such jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being a Quaker to make affirmation, or shall refuse to give his verdict, or shall in any other manner wilfully neglect his duty, contrary to the true intent and meaning of this Act, or if any person so summoned to give evidence as aforesaid shall not appear, on being paid or tendered a reasonable sum for his costs and expenses, or appearing shall refuse to be sworn, or being a Quaker affirmed, or to give evidence, every person so offending, having no reasonable excuse, to be judged of and determined by the said Assistant Commissioner, shall forfeit and pay for every such offence any sum not exceeding 10*l*.; all which said penalties and forfeitures shall and may be recovered as penalties and forfeitures are recoverable under this Act.

XII. That every such jury and jurymen as aforesaid shall also be subject to the same regulations, pains, and penalties as if such jury and jurymen had been returned for the trial of any issue joined in any of Her Majesty's courts of record at Westminster.

XIII. That in every case in which the verdict of a jury shall be given in favour of the person who shall have requested that such jury be summoned, all the costs of summoning such jury and the expenses of witnesses shall be defrayed by the

Commissioners, and shall be expenses in the inclosure in the matter of which the question shall have arisen, and such costs and expenses shall be settled and determined by the said Assistant Commissioner as aforesaid; but if the verdict of the jury shall be given against such person, the said costs and expenses shall be defrayed by such person; and in case such costs and expenses shall not be paid to the party entitled to receive the same within ten days after the same shall have been demanded, then the same shall and may, by warrant of the Commissioners, directed to any person or persons whomsoever, be levied by distress; but in case such person shall have requested such jury to be summoned in pursuance of a resolution of the rate-payers of any parish in vestry assembled, the costs and expenses so paid by him shall be repaid to him by the overseers of the poor of such parish, out of the poor's rate, and shall be allowed in account to such overseers.

XLIII. That every person who shall be dissatisfied, and shall require a jury to be summoned as aforesaid, shall at his own costs, before the Commissioners shall be obliged to issue their warrant for the summoning of such jury, enter into a bond, with two sufficient sureties, to the Commissioners, in a sufficient penalty, to prosecute the complaint, and to bear and pay their costs and expenses of summoning and returning such jury, and taking such verdict, and of the summoning and attendance of witnesses, in case the said costs and expenses shall fall upon them.

XLIV. That any person interested in the determination of the said Commissioners or Assistant Commissioner respecting the said boundaries, who shall be dissatisfied with such determination, and who shall, within the time hereinbefore limited, have given to the Commissioners notice in writing of his intention to apply to the Court of Queen's Bench, as hereinbefore mentioned, may, within six calendar months next after publication of the said boundaries, move the Court of Queen's Bench to remove the said determination of the Commissioners or Assistant Commissioner by certiorari into the said court, the party making such application giving (in addition to such notice of his intention as aforesaid) eight days' notice of such application to the said Commissioners; and in case of removal as aforesaid the decision of the said Court therein shall be final and conclusive as to the boundaries of such parish or manor; and after the expiration of the said term of six calendar months the determination of the Commissioners or Assistant Commissioner shall not be removed or removeable by certiorari, or any other writ or process whatsoever, into any of Her Majesty's courts of record at Westminster or elsewhere; and no certiorari shall be allowed to remove such determination unless the party prosecuting the certiorari shall before allowance thereof enter into a recognizance before one of the Justices of the said court in the sum of 50*l.*, with condition to prosecute the same without wilful delay, and to pay to the said Commissioners their full costs and charges within one calendar month after the determination shall have been confirmed, to be taxed according to the custom of the Court; and no determination of a jury under the provision hereinbefore contained shall be removed or removeable by certiorari; and in every case in which any determination of the Commissioners or of any Assistant Commissioner, respecting the boundary of any parish or manor, shall be removed into the Court of Queen's Bench, it shall be lawful for the Court to direct the trial of one or more feigned issues upon such points as the Court shall think fit, and also to direct who shall be the plaintiff or plaintiffs, and who shall be the defendant or defendants, on such trial, or to determine the same in a summary manner, or otherwise dispose of the question or questions in dispute, and to make such other rules and orders therein, as to costs and all other matters, as may appear to be just and reasonable.

XLV. That for the purpose of shortening or rendering straight any boundary fences between the land to be inclosed and any adjoining lands it shall be lawful for the valuer acting in the matter of any inclosure, with the consent in writing of the person interested in such adjoining lands, to set out and determine the boundaries between the land to be inclosed and such adjoining land, or to draw and define a new line of boundary, as he shall judge proper, for the purposes aforesaid; and after such boundaries shall have been so set out and determined as aforesaid, or such new line of boundary drawn and defined, the same shall be made, fenced, ditched, or mounded by such person, in such manner, and at such times as the valuer shall direct, and shall for ever thereafter be deemed the boundaries and limits of such respective lands.

XLVI. That the valuer acting in the matter of any inclosure shall from time to time hold such meetings for the examination of claims, and otherwise in the matter of such inclosure, as occasion shall require, and shall cause notice to be given on the church door, and also like notice to be given by advertisement, of the time and place of the meeting in the matter of such inclosure, and of each subsequent meeting, in the like manner, fourteen days at least before such respective meeting (meetings by adjournment only excepted); and if from any cause the valuer shall think fit to adjourn or postpone any such meeting, it shall be lawful for him to adjourn or postpone such meeting to any future day.

XLVII. That all persons claiming any common or other right or interest in any land proposed to be inclosed as aforesaid shall deliver such claims in writing to the valuer acting in the matter of such inclosure, at such meeting as the valuer shall appoint for the purpose, stating the several particulars in respect whereof such claims are made, and distinguishing the claims in respect of freehold, copyhold, customary, and leasehold property from each other, and mentioning therein the places of abode of the respective claimants, or their agents, at which notices in respect of such claims may be delivered; and no such claim shall be received by such valuer after the last meeting to be held for that purpose (of which notice shall be given), except for some special cause, to be allowed by the Commissioners.

XLVIII. That a statement of all claims in the matter of any inclosure which shall have been delivered to the valuer acting in the matter of such inclosure, as hereinbefore provided, shall be made, and deposited by him at some public place within the parish in which the land to be inclosed, or the greater part thereof, shall be situate; and the valuer shall give notice on the church door of such parish and by advertisement of such statement having been deposited, and shall in such notice limit such time for the delivery of objections to claims as the Commissioners under the circumstances of each inclosure shall think reasonable, and by order under their seal direct, or in case no direction shall have been given by the Commissioners in this behalf, then such time as the valuer shall think reasonable, not being less in any case than twenty-one days after such notice shall have been given; and every person who shall object to a claim shall deliver his objection in writing to the valuer, and so deliver a copy of such objection at the place of abode of the claimant or his agent within the time limited for delivery of objections to claims as aforesaid; and no objection to any such claim shall be received by the valuer after the time so limited

for the delivery of objections to claims, unless for some special cause to be allowed by the Commissioners; and after the time limited for the delivery of claims shall have expired the valuer shall cause fourteen days' notice to be given of the time and place of the meeting for the examination of such claims, and for the attendance of all parties concerned therein; and at such meeting the valuer shall proceed to examine into and determine such claims, and shall and may allow or disallow the same, in whole or in part, and make such order therein, as to him shall appear just; and in case any doubts or difficulties shall arise respecting such claims, or any differences shall happen between any of the claimants touching their respective claims, or the relative proportions of their rights and interests, the valuer shall determine the same, and shall make such order therein as to him shall appear just, which order shall be final, unless any party shall be dissatisfied with the determination of the valuer, and shall give notice, as hereinafter provided, of his desire to have the claim or matter heard and determined by the Commissioners or an Assistant Commissioner, or in case the Commissioners shall think fit to revise such determination, under the power hereinafter contained; and in case the valuer, on the determination of any claim which shall have been objected to as aforesaid, or if any objection which shall have been made to any claim, shall see cause to award any costs, it shall be lawful for the valuer, upon application to assess and award such costs as he shall think reasonable to be paid to the person in whose favour any determination shall have been made, and by the person whose claim or objection shall have been disallowed; and in case any person liable to pay such costs shall neglect or refuse to pay the same, upon demand, or within fourteen days thereafter, the valuer shall, by warrant under his hand and seal, directed to any person or persons whomsoever, cause such costs to be levied by distress; and if there shall be no goods or chattels whereon to levy such costs it shall be lawful for the person in whose favour such costs shall be awarded to recover the same by action of debt or on the case, in which action it shall be sufficient for the plaintiff to declare that the defendant is indebted to him in the sum specified in the order of adjudication made by the valuer, and in consequence of such order, without setting forth any other proceedings under this Act: Provided always, that the valuer may pay the expenses of any witnesses, or of the production of any writings, maps, plans, and surveys, or copies thereof, where such witnesses shall attend, or such maps, plans, surveys, or copies thereof shall be produced before such valuer, only on the request and for the information or guidance of the valuer (and not on behalf of any party in difference), such last-mentioned expenses to be considered as part of the expenses of the inclosure.

XLIX. Provided and enacted, That nothing in this Act contained shall extend to enable the valuer, or the Commissioners, or any Assistant Commissioner, to determine the title of any lands, or to determine any right between any parties contrary to the actual possession of any such party (except in cases of encroachment as hereinafter mentioned), but in case the valuer, or the Commissioners or Assistant Commissioner, shall be of opinion against the rights of the party in possession, they or he shall forbear to make any determination thereupon until the possession shall have been given up by such party, or recovered from him in due course of law, or, where the circumstances shall admit, such valuer, or the Commissioners or Assistant Commissioner, may declare what right is appendant or appurtenant to any land or hereditament, or otherwise declare by any sufficient description the rights of the owner for the time being of any land or hereditament, without declaring by name who may be the actual owner of such land or hereditament.

L. That all encroachments and inclosures, other than inclosures duly authorized by the custom of any manor of which such land shall be parcel, or otherwise according to law, which shall have been made by any person, from or upon any part of the land proposed to be inclosed, within twenty years next before the first meeting for the examination of claims in the matter of the inclosure thereof, whether any amercement, rent, or money payment or acknowledgment shall or shall not have been paid or made in respect of the same, to or for the use of the lord of the soil or any other person, shall be deemed parcel of the land subject to be inclosed, and shall be divided, allotted, and inclosed accordingly: Provided always, that in case, under the circumstances of any such encroachments or inclosures, it shall appear to the Commissioners just or reasonable that rights or interests in the lands to be inclosed should be allowed to the persons in possession of such encroachments or inclosures, it shall be lawful for the Commissioners, either in the instructions to the valuer, or by any subsequent order under their seal, to direct what rights and interests, either absolute or for any limited terms or estates, should be allowed in respect of such encroachments, and the valuer shall allow and declare such rights accordingly: Provided also, that it shall be lawful for the several persons who shall be in possession of any such encroachments or inclosures, or in the receipt of the rent thereof, at the time of the determination of claims under this Act, to take down or remove all such buildings, fences, and other erections as shall then be thereon, and to convert the materials thereof to their own use, within two calendar months after notice in writing signed by the valuer given to such respective persons, or posted on the church door; and in case any dispute or difference shall arise touching any such encroachments or inclosures, or as to the extent thereof, such dispute or difference shall be determined by the valuer.

LI. Provided and enacted, That in case any such land shall have been taken or used, at any time before such first meeting for the examination of claims, for the erection of a school-house or the appurtenances thereto, or for other such purposes as in the opinion of the Commissioners shall be charitable or parochial purposes, such land so taken or the erections made thereon, shall not be taken or deemed to be of the nature of an encroachment within the meaning of this Act; but where such land shall have been so taken for the purposes aforesaid within twenty years next before such first meeting for the examination of claims, it shall be lawful for the Commissioners, where it shall appear just and desirable for the purposes of inclosure, to direct that such land be deemed parcel of the land subject to be inclosed, and be divided, allotted, and inclosed accordingly, and that compensation be made to the persons in possession thereof, or to trustees for the purposes for which such land shall have been so taken or used, by adequate allotments of the lands so to be inclosed.

LII. Provided and enacted, That all lands which shall have been inclosed from any land subject to be inclosed under this Act for more than twenty years next preceding the day of the first meeting for the examination of claims in the matter of such inclosure, shall for the purposes of this Act be deemed and taken to be ancient inclosures, but not so as to carry any right of common, or compensation or allotment for or in respect of right of common, which might be claimed in respect of ancient inclosures.

LIII. That all tofts, foundations, or sites of ancient commonable messuages or cottages, shall, upon proof being made to the satisfaction of the valuer acting in the matter of any inclosure that commonable messuages or cottages formerly stood thereon,

be deemed commonable messuages or cottages, and the respective proprietors thereof shall be entitled to the same compensation for the rights of common originally belonging thereto as if such messuages or cottages were still standing.

LIV. That where any claim shall be made to any right of common or other right which in the judgment of the valuer, or of the Commissioners or Assistant Commissioner, could not be sustained in law, but proof shall be made to the satisfaction of the valuer, or of the Commissioners or Assistant Commissioner, that there has been enjoyment under the right so claimed for the space of sixty years or upwards next before the first meeting for the examination of claims in the matter of such inclosure, it shall be lawful for the valuer, or the Commissioners or Assistant Commissioner, to allow such claims, in such and the same manner as if the right so claimed might have been legally sustained and established.

LV. That after the valuer shall have heard and determined all claims and objections which shall have been made in the matter of an inclosure he shall cause a schedule of such claims and objections, and of his determinations thereon, to be deposited, and to remain for thirty days at the least, for the inspection of all persons interested therein, at some public place within the parish in which the land to be inclosed, or the greater part thereof, shall be situate, and shall cause notice to be given on the church door of such parish, and by advertisement, of such deposit, and shall also send a copy of such Schedule to the Commissioners, and shall furnish any explanations or information in relation thereto to the Commissioners, as they shall require; and in case any party dissatisfied with any determination of the valuer as aforesaid shall, within thirty days next after notice by the valuer of such deposit of the said Schedule, cause to be delivered to the Commissioners notice in writing of such dissatisfaction, and of the desire of such party to have the claim or matter so determined by the valuer heard and determined by the Commissioners or by an Assistant Commissioner, or in case the Commissioners shall, on the representation of any persons interested in such inclosure, or on the information given by the valuer in relation to such Schedule, be of opinion that all or any of the determinations of such valuer shall have been made without due consideration of the legal rights of the parties interested, or shall be erroneous, then and in any such case the Commissioners shall forthwith give notice, in such manner as they shall think fit, appointing some convenient place and time for holding a meeting to hear and determine the claim or matter which shall be so desired to be reheard, or all or any of the claims or matters which shall be mentioned in the said Schedule, as the Commissioners shall think fit; and the Commissioners, or any Assistant Commissioner specially empowered for that purpose, shall rehear and determine such claim or matter; and the determination of the Commissioners or such Assistant Commissioner shall be final and conclusive, and shall be binding on the valuer acting in the matter of such inclosure, unless any party dissatisfied therewith shall try his right by an issue at law, as hereinafter provided.

LVI. Provided and enacted, That if any person claiming to be interested in any land proposed to be inclosed under this Act shall be dissatisfied with any determination of the Commissioners or Assistant Commissioner concerning any claim or interest in or to the land proposed to be inclosed under the powers hereinbefore contained, and shall cause notice in writing of such dissatisfaction to be delivered to the Commissioners within thirty days next after notice of such determination shall have been given to the several parties or persons specially interested, if any such there be, it shall be lawful for such person so dissatisfied, and giving such notice as aforesaid, to bring an action upon a feigned issue against the person in whose favour such determination shall have been made, or against the Commissioners, and to proceed to a trial at law at the then next Assizes, or at the Assizes immediately following such next Assizes, to be holden for the county wherein the land relating to which such dispute shall arise shall be situate; and the defendant in such action shall, upon being served with the usual process therein, appear thereto, and accept one or more issue or issues, whereby such claim, and the right and interest hereby insisted upon, may be tried and determined, such issue to be settled by the proper officer of the Court in which the said action shall be commenced, in case the parties shall differ about the same; and the verdict given upon the trial of such action shall be binding and conclusive upon all parties thereto, unless the Court wherein such action shall be brought shall set aside such verdict, and order a new trial to be had; and after such verdict shall be given, and final judgment obtained thereon, the Commissioners shall act in conformity thereto, and allow or disallow the claim thereby determined according to the event of such trial; and the costs attending any such action shall abide the event of the trial.

LVII. Provided and enacted, That if no such notice of dissatisfaction shall be given, or if no such action at law shall be commenced as aforesaid, or if any such action shall be commenced, and the plaintiff therein shall not proceed to trial within the time hereinbefore limited for that purpose, unless the Court for sufficient cause put off the trial, then the determination of the said Commissioners or Assistant Commissioner shall be final and conclusive.

LVIII. That if any person, plaintiff or defendant in any action to be brought as aforesaid, shall die pending the same, such action shall not abate by reason thereof, but may be proceeded in as if no such event had happened, the heir or devisee, or her person entitled to the interest of the deceased party in the matter in question, being served with process in the action; and if any person in whose favour such determination as aforesaid shall have been made, and against whom any such action might have been brought if living, shall die before any action brought, it shall be lawful for the person who might have brought such action to bring the same, within the time so limited as aforesaid, against such person as if actually living, and serve the Commissioners with process for commencing such action, in the same manner as the deceased person might have served therewith if living, and it shall thereupon be incumbent on the Commissioners to serve with such process the heir or devisee or personal representative of the deceased person, or other the person who shall claim the benefit of such determination as aforesaid; and on such process being served such heir or devisee or personal representative, or other person, shall appear and defend such action in the name of the person so dead, and proceedings shall be had therein in the same manner as if such person had been living, and the rights, interests, and claims of all parties shall be equally bound by the result of any action so brought or continued as aforesaid as if the death of any of the persons interested therein had not occurred.

IX. That in case the Commissioners, or any Assistant Commissioner appointed to hear and determine any claim or matter in pursuance of this Act, shall see cause to award any costs, it shall be lawful for the Commissioners or Assistant Commissioner, upon application, to assess and award such costs as they or he shall think reasonable to be paid to the person

in whose favour any determination of the Commissioners or Assistant Commissioner shall have been made, and by the person whose claim or objection shall have been disallowed; and in case any person liable to pay such costs shall neglect or refuse to pay the same upon demand, or within fourteen days thereafter, the Commissioners or Assistant Commissioner shall, by warrant directed to any person or persons whomsoever, cause such costs to be levied by distress; and if there shall be no goods and chattels whereon to levy such costs it shall be lawful for the person in whose favour such costs shall be awarded to recover the same by action of debt or on the case, in which action it shall be sufficient for the plaintiff to declare that the defendant is indebted to him in the sum specified in the order of adjudication made by the Commissioners or Assistant Commissioner, and in consequence of such order, without setting forth any other proceedings under this Act.

LX. Provided and enacted, That in case any person hereinbefore authorized to bring an action upon a feigned issue, and the person against whom such action might be brought, shall be desirous of submitting the matter in dispute or difference to the arbitration of any arbitrator, or of any arbitrators and umpire, it shall be lawful for such persons to submit such matter in dispute accordingly, and such submission shall be irrevocable, and the decision thereupon shall be binding on both parties, and be obeyed accordingly, and the costs of such arbitration shall abide the event; and the Commissioners may require each of the persons in difference upon any such submission to arbitration to give such security for the payment of the costs of such arbitration as the Commissioners shall think fit.

LXI. That it shall be lawful for the valuer acting in the matter of any inclosure to set out and make such common ponds, ditches, watercourses, embankments, tunnels, and bridges, of such extent and form and in such situations as he shall deem necessary, and as shall not be inconsistent with the terms and conditions and instructions hereinbefore mentioned, in the land to be inclosed, and also to enlarge, cleanse, or alter the course of and improve any of the existing ditches or watercourses, embankments, tunnels, or bridges, as well in and over the same land as also in any ancient inclosures or other lands in the parish or respective parishes in which the land to be inclosed may be situate, as the valuer shall deem necessary, making such satisfaction to the proprietors of such ancient inclosures or lands, for the damage done thereby, as the valuer shall think just; and the expense of making and enlarging, altering and cleansing such ponds, ditches, watercourses, embankments, tunnels, and bridges, when the same shall be first done in pursuance of this Act, if not otherwise provided for, shall be raised and paid in the same manner as the other expenses of the inclosure; but all such ponds, ditches, watercourses, embankments, tunnels, and bridges shall at all times afterwards be repaired, cleansed, and maintained by such persons and in such manner as the valuer shall direct; provided that no watercourse be diverted or turned without the consent in writing of the person interested in the land from which the same may be diverted, and of the person interested in the lands into which the same may be turned, or to the prejudice of any person interested in such watercourse, except with his consent in writing; and that no ditch or watercourse, embankment, tunnel, or bridge, be enlarged or altered on any land other than the land to be inclosed, without the consent in writing of the person interested in such land.

LXII. That in the first place the valuer acting in the matter of any inclosure shall and may, before he shall proceed to make any of the divisions and allotments of the land to be inclosed in pursuance of or in any manner not inconsistent with the instructions given to such valuer as aforesaid, set out and make public roads and ways, and widen public roads and ways, in or over the land to be inclosed, and stop up, divert, or alter any of the roads or ways passing through the land to be inclosed, or through any old inclosures in the parish or respective parishes in which the land to be inclosed shall be situate; and the soil of such of the roads and ways so to be discontinued and stopped up as pass through the lands to be inclosed shall be deemed part of the lands to be inclosed: Provided always, that nothing herein contained shall authorize the altering or diverting any turnpike road, unless the consent of the majority of the trustees of such turnpike road, assembled at a public meeting called for that purpose, be first obtained: Provided also, that before any public road or way shall be discontinued, diverted, stopped up, or altered by the valuer acting in the matter of any inclosure, the valuer shall cause to be affixed at each end of such road or way a notice to the effect that the same is intended to be discontinued, stopped up, diverted, or altered, as the case may be, from and after a day to be mentioned in such notice; and the valuer shall also cause the same notice to be given by advertisement for four successive weeks, and also on the church door on the four Sundays of the said four successive weeks; and after the said several notices shall have been so given such road or way shall, from and after the day in such notices mentioned, be deemed to be discontinued, stopped up, diverted, or altered, as the case may be, subject, however, to such appeal as is hereinafter mentioned.

LXIII. That it shall be lawful for any person, within four months after the first Sunday on which such notice shall have been given on the church door of the intention that such road or way should be discontinued, stopped up, diverted, or altered, as the case may be, to make his complaint thereof by appeal to the Justices of the Peace at the Quarter Sessions for the county, riding, division, or other jurisdiction in which such road or way, or the greater part thereof, shall be situate, upon giving to the valuer fourteen days' notice in writing of such appeal, together with a statement in writing of the grounds thereof; but it shall not be lawful for the appellant to be heard in support of such appeal unless such notice and statement shall have been given as aforesaid, nor on any hearing of appeal to go into evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

LXIV. That in case of such appeal the Justices at such Quarter Sessions shall, for the purpose of determining whether such public road or way shall be discontinued, stopped up, diverted, or altered, or whether the party appealing would be thereby injured or aggrieved, impanel a jury of twelve disinterested men out of the persons returned to serve as jurors at such Quarter Sessions; and if after hearing the evidence produced before them the said jury shall return a verdict that such road or way is unnecessary, or may beneficially to the public be discontinued, stopped up, diverted, or altered, and that the party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such appeal, and shall award the costs of resisting the said appeal to be paid by the appellant to the valuer, and the same shall be recoverable in the same manner as any penalties and forfeitures are recoverable under this Act; but if the said jury shall return a verdict that such road or way is not unnecessary, and that the same could not beneficially to the public be so discontinued, stopped up, diverted or altered, or that the party appealing would be injured or aggrieved thereby, the said Court shall allow such



appeal, and such public road or way shall not be discontinued, stopped up, diverted, or altered, or in case the same shall have been discontinued, stopped up, diverted or altered, the said Court shall make an order restoring the same to its original state, and shall award to the appellant the costs of prosecuting such appeal, and such costs shall be paid by the said valuer out of the monies to be raised for the expenses of the inclosure: Provided always, that in every case in which any such appeal as aforesaid shall be made by the surveyor of the highways of any parish or place, under the direction of the inhabitants of such parish in vestry assembled, or where there shall be no vestry meeting in such place, under the direction of the inhabitants contributing to highway rates assembled at any meeting of which fourteen days' notice shall have been given by advertisement and on the church door, then, although such appeal shall be dismissed, the costs of prosecuting such appeal, and also such costs as shall be awarded to be paid by the appellant to the valuer, shall be paid out of the highway rate of such parish or place.

LXV. That such public carriage roads so to be set out as aforesaid shall be well and sufficiently fenced on both sides, by such of the persons interested in the land to be inclosed, and within such time, as the valuer acting in the matter of such inclosure shall direct; and the valuer shall form and complete such parts of the said public roads and ways as shall be newly made; and every such public road and way to be set out and made under this Act shall be of the width required by the Act, 5 & 6 Will. 4. c. 50, intituled, 'An Act to consolidate and amend the Laws relating to Highways on that part of Great Britain called England,' for a road or way of the like description, which may be dedicated to the use of the public.

LXVI. That the expenses attending the purchasing of the soil of all such public roads and ways as aforesaid, and the making, the stopping up, discontinuing, diverting, widening, and altering of such roads and ways, and the money compensation in respect thereof, upon any inclosure, shall be paid in such manner as the expenses of such inclosure shall be directed to be paid.

LXVII. That when and so soon as two or more of Her Majesty's Justices of the Peace for the county, riding, division, or jurisdiction in which the lands to be inclosed shall be situate shall certify any of the public roads and ways to be set out in pursuance of this Act on any inclosure to be sufficiently formed and completed, such roads shall thenceforth be kept in repair by such persons and in such manner as the public roads within the said parish are or ought by law to be kept in repair; and every such certificate shall, at the Quarter Sessions of the peace to be holden for the said county, riding, division, or jurisdiction next after the date thereof, be filed of record by the clerk of the peace.

LXVIII. That the valuer acting in the matter of any inclosure shall and may set out such private or occupation roads and ways through the lands to be inclosed as he shall think requisite, for the use of the persons interested in such lands or any of them; and any expenses which the valuer may incur relative to the setting out or formation or completion of such private roads and ways, or any of them, shall, unless the valuer shall otherwise direct, be paid in the same manner as the other expenses of the inclosure; and such expenses of the formation and completion of such private roads and ways as the valuer shall direct shall be borne by, and after the formation and completion of such private roads and ways the same shall be maintained and kept in repair by and at the expense of the owners and proprietors for the time being of the land inclosed, or such of them, and in such shares and proportions and in such manner as the valuer shall direct; and after such private roads and ways shall have been set out and made the grass and herbage arising thereon shall for ever belong to and be for the use of such persons interested in the lands to be inclosed as the valuer shall direct, and in the absence of such direction shall belong to the proprietors of the land to be inclosed which shall next adjoin the said roads and ways on either side hereof as far as the crown of the road; and after such setting out as aforesaid all private or occupation roads or ways over, through, and upon the lands to be inclosed which shall not be set out as aforesaid shall be for ever stopped up and extinguished.

LXIX. That it shall be lawful for the valuer acting in the matter of any inclosure, before the making of the award, when he or Commissioners shall think necessary for the purpose of the inclosure, and by order under their seal authorize or direct, by notice on the church door to order all or any part of the rights of sheepwalk, common or other rights, in or over the land to be inclosed or any part thereof, to be extinguished from such time or the exercise thereof to be suspended during such time as shall be expressed in such notice, and from the time mentioned in such notice such rights shall be extinguished, or suspended accordingly; and if during the suspension or after the extinguishment of any such rights of sheepwalk, common or other rights as aforesaid, any person shall permit his horses, cattle, sheep, or swine to go or depasture upon any the lands over which such rights shall be suspended or extinguished, it shall be lawful for the valuer acting in the matter of the inclosure, or any other person by his order (testified in writing under his hand), or any of the persons interested in the lands or in the inclosure thereof, to distrain such horses, cattle, sheep, or swine being upon such lands contrary to such order, and to impound the same until the person so offending shall pay to the person so distraining such sum of money the valuer shall by writing under his hand have previously ordered, not exceeding 10s. for each horse or head of cattle, and 5s. for each sheep or swine so distrained; and in case the same shall not be paid within seven days after the same shall have been impounded the valuer is hereby authorized to recover the same by way of penalty, as hereinafter mentioned.

LXX. That it shall be lawful for the valuer acting in the matter of any inclosure, at such time as he shall think fit, by notice on the church door, to direct the course of husbandry and the stint or rule of stocking that shall be observed upon the land to be inclosed, until the time when the inclosure thereof shall be completed, as well with respect to the laying down, sowing, sowing, following, manuring, and tilling thereof, as to the stocking and feeding of the commonable lands and downs or stubbles upon the same, and to direct such recompense to be made as he shall think right to any person injured by such directions, all which directions shall be binding upon all parties interested, their farmers and tenants; and the valuer shall impose such pecuniary penalties on every person not conforming to such directions as he shall think necessary, not exceeding the sum of 5l. per acre in the case of cross-cropping, or withholding from the land its due proportion of manure, or 10l. in any other case, for any one offence, and shall also determine, in all cases where the tenant is entitled by agreement or custom to the manure arising from the lands in his occupation, by whom and in what sum of money such tenant shall



be compensated for any such manure left or given up by him; and such penalties and other sums of money shall be recovered in the same manner as by this Act directed for the recovery of penalties.

LXXI. That the valuer acting in the matter of any inclosure shall by writing under his hand order what recompense in money shall be made to the owner of any crops growing, according to his agreement or lease, or according to the customary mode of cultivation within the parish in which the land to be inclosed shall be situate, upon such land, at the time of the division, allotment, and inclosure, for the said crops, by the person to whom the land on which such crops are growing shall be allotted, and also what recompense in money shall be paid, and by whom, to any tenant or occupier of land, as well for the ploughing, tilling, cultivating, manuring, or folding any land to be inclosed, for the benefit accruing thereby to the person to whom such land shall be allotted, or for any loss or disadvantage which any tenant or occupier may sustain by the loss of his following or way-going crops upon the land to be inclosed; and if in any of the said cases the money to be paid for such recompense be not paid at the time and in the manner ordered by the valuer, then the same may be recovered by the person entitled thereto, from the person liable to pay the same, in the same manner as penalties and forfeitures are recoverable under this Act.

LXXII. That the valuer acting in the matter of any inclosure shall allot to the surveyor of the highways for the time being of the parish in which the land proposed to be inclosed, or any part thereof, shall be situate, and to his successors for ever, such part of the land proposed to be inclosed as by the instructions given to such valuer shall have been directed to be appropriated for supplying stone, gravel, or other materials for the repairs of roads and ways, as aforesaid, or in case no such instructions shall have been given in this behalf, and the valuer shall think an allotment necessary for the purposes aforesaid, such part as the valuer shall think fit; and such allotments shall be inclosed and fenced as the valuer shall direct, and shall from the confirmation of the award be vested in the surveyor of the highways within the said parish for the time being, in trust for the purposes aforesaid; and the grass and herbage of such allotments shall belong to such persons as by the valuer shall be directed, and if he shall make no such direction then such surveyor shall from time to time let any such allotment, reserving the right to get and take away such stone, gravel, and other materials when and as he shall think fit, for the most money that can be obtained for the same, and shall apply the rents and profits towards the repairs of the public roads or highways within the said parish; and the said surveyor shall account for such rents and profits in the same manner as he is by law accountable for other monies that shall come to his hands in the capacity of surveyor of the highways, and shall be subject to the like penalties for the neglect thereof.

LXXIII. That the valuer acting in the matter of any inclosure shall and may, in pursuance of the directions of or in any matter not inconsistent with the directions of the provisional order of the Commissioners, or any Act hereafter to be passed, or the instructions given to such valuer as aforesaid, set out and allot such part of the lands to be inclosed as by such provisional order or Act or instructions respectively shall have been directed to be appropriated as a place of exercise and recreation for the inhabitants of the said parish and neighbourhood; and such allotment shall, unless the same shall be otherwise awarded under the provision hereinafter contained, be made and awarded to the churchwardens and overseers for the time being of the parish in which the same shall be situated, and shall be held by the churchwardens and overseers for the time being of the said parish for the purposes aforesaid, and shall be in the first instance fenced, and, where occasion shall require, drained and levelled by the valuer, the expense in such case to be considered part of the expenses of the inclosure, or shall be fenced by any person to whom adjoining land shall be allotted, as the valuer may direct; and the fences of such allotment shall for ever afterwards be repaired and maintained, and the surface thereof kept drained and level, by such churchwardens and overseers, or by the churchwardens and overseers of the several parishes interested therein, in such proportions and manner as shall be directed by the valuer, out of the rents to be received for the herbage of the said allotment, or out of the poor rate of the said parish or respective parishes, or otherwise; and the grass and herbage growing upon such allotment may be from time to time let by the churchwardens and overseers in whom the same shall be vested, and the rents which shall be received by them for the same shall be by them from time to time applied, in the first place, in maintaining and repairing the fences of the said allotment, and keeping the surface thereof drained and level, as aforesaid, and, subject thereto, in aid of the rates for the repair of the public highways in the said parish or respective parishes; and the valuer shall in like manner set out and allot such part of the land to be inclosed as by such provisional order or Act or instructions as aforesaid shall have been directed to be appropriated as an allotment for the labouring poor unto the churchwardens and overseers of the poor of the parish in which such allotment shall be situate, subject nevertheless to a rent-charge to be payable thereout to any person or persons who may be entitled to allotments under such inclosure, as hereinafter provided; and the said valuer shall in like manner, in pursuance of the directions of or in any manner not inconsistent with the directions of such provisional order or Act or instructions as aforesaid, set out and allot, for the other public purposes mentioned in such provisional order or Act or instructions as aforesaid, such parts of the land to be inclosed as shall have been thereby respectively directed to be set apart for such purposes, and such allotments shall be made to such persons respectively, with such regulations and provisions as to the fencing, maintenance, use, and enjoyment thereof respectively, as the valuer, with the approbation of the Commissioners, shall direct; and in every case in which the valuer, with such approbation of the Commissioners, shall not think it necessary or proper to direct the same to be otherwise made, such allotments shall be made to the churchwardens and overseers of the poor for the time being of the parish in which such allotments shall be situate; and all allotments which shall be made to the churchwardens and overseers under this Act shall be held by the churchwardens and overseers of the poor for the time being in the same manner and with the same legal powers and incidents as if the same allotments were lands belonging to the parish, but in trust nevertheless for the purposes for which the same shall be allotted, and subject, as to the said allotment for the labouring poor, to the provisions in relation thereto hereinafter contained, and as to all other such allotments, subject to such directions for the maintenance, fencing, management, and use thereof as the valuer, with the approbation of the Commissioners, may think fit.

LXXIV. Provided and enacted, That it shall be lawful for the valuer, with the approbation of the Commissioners, to set out and allot such land as shall be appropriated as a place of exercise and recreation as aforesaid to any person entitled to an allotment under the inclosure, and who shall consent to receive the same in full or in part of his allotment; and

the person to whom the land so to be appropriated shall be allotted, and all future owners thereof, shall, unless it shall be otherwise directed by the award, be subject to the obligation of maintaining the fences of such land, and of preserving the surface thereof in good condition, and of permitting such land to be at all times used for exercise and recreation by the inhabitants of the parish and neighbourhood, and, subject to such obligations, the herbage of such land shall belong to the person to whom such land shall be so allotted.

LXXV. That every allotment which shall be made and awarded for the labouring poor may be so awarded subject to and chargeable with a clear rent-charge or clear rent-charges, not exceeding in the whole the net annual value of the allotment in its actual condition at the time of making the same; and every such rent-charge shall be deemed at the time of the confirmation of the award to be of the value of such number of imperial bushels and decimal parts of an imperial bushel of wheat, barley, and oats as the same would have purchased at the average prices during the seven years ending on the Thursday next before Christmas-day, 1835, as the same were ascertained by the advertisement inserted in the *London Gazette* under the provisions of the Act, 6 & 7 Will. 4. c. 71, intituled 'An Act for the Commutation of Tithes in England and Wales,' in case one third part of such rent-charge had been invested in the purchase of wheat, one third part thereof in the purchase of barley, and the remaining third part thereof in the purchase of oats, and the respective quantities of wheat, barley, and oats so ascertained shall be stated in the award; and every such rent-charge shall be paid by equal half-yearly payments on the 1st of July and the 1st of January, the first of such half-yearly payments to be made on the first of such half-yearly days after the expiration of three years from the date of the confirmation of such award; and such sum of money shall be payable in respect of such yearly rent-charge as according to the prices ascertained by the then next preceding advertisement for the purposes of the said Act, 6 & 7 Will. 4. would have been payable in respect of a rent-charge of like amount charged on lands under the provisions of such Act; and the sum of money thenceforth payable in respect of such rent-charge charged under the provisions of this Act shall vary so as always to consist of the price of such number of bushels and decimal parts of a bushel of wheat, barley, and oats respectively, according to the next preceding advertisement for the time being, in like manner as if the same had been a rent payable under the provisions of the said Act, 6 & 7 Will. 4; and the persons entitled to any rent-charge charged under the provisions of this Act shall have the same powers and remedies for enforcing payment thereof in all respects as are by the said Act, 6 & 7 Will. 4, or by any Act for amending the same, given to the persons entitled to rent-charges charged under the said Act, 6 & 7 Will. 4. for recovering and enforcing payment of such last-mentioned rent-charges; and nothing herein or in such award contained shall render any person personally liable to the payment of any rent-charges to be charged under the provisions of this Act: Provided always, that when such allotment, or any part thereof, shall be let and occupied as gardens under the provisions hereinafter contained, the person for the time being entitled to the rent-charge charged thereon shall not distrain for such rent-charge on the occupiers of such gardens, but the person so entitled may, in case such rent-charge shall be in arrear, give notice to the occupiers of such gardens, and to the allotment wardens, or any of them, and shall thenceforth, until the arrears of such rent-charge, with all expenses occasioned by the non-payment thereof, shall be fully paid, be entitled to receive all the rent which after such notice shall accrue in respect of such gardens, and shall have the same remedies for recovering such rent, and the same powers of determining the tenancy of such occupiers, and of letting and dealing with such allotment, as such allotment wardens would have had in case such rent-charge had not been in arrear; and in case the said allotment wardens, or any of them, after such notice shall have been given to them as aforesaid, and before the arrears of such rent-charge, with all such expenses as aforesaid, shall have been fully paid, shall receive any rent from the occupiers of such gardens, such of the allotment wardens as shall have received such rent shall, on demand, pay to the person then entitled thereto the arrears of the said rent-charge then remaining unpaid, and the expenses occasioned by the non-payment thereof; and in default of such payment, on demand, such arrears of rent-charge and expenses may be recovered from the allotment wardens liable to pay the same as penalties are recoverable under this Act.

LXXVI. That after the several allotments hereinbefore directed shall have been set out and made, and after making provision for the payment of the expenses by sale of land, in case the expenses shall be so directed to be paid, the valuer acting in the matter of any inclosure shall allot and award unto the lord of the manor so much and such part of the land proposed to be inclosed as shall in the judgment of the valuer be equal (quantity and value considered) to such a part of the residue of such land as shall be proportioned to his right or interest therein, according to the directions of the provisional order of the Commissioners, in lieu of his right and interest in the soil of the said land, exclusive of any other allotments which may be made to such lord in lieu of or in satisfaction for any other rights or interests in such land to which he may be entitled, and which shall not have been included in the estimate in such provisional order of his right and interest; and in case it shall have been declared by such provisional order that the right or interest of the lord has been estimated exclusively of his right or interest in all or any of the mines, minerals, stone, and other substrata under the land to be inclosed, then the valuer shall direct, on the request in writing of the lord, reserve or award to the lord such rights and easements for searching for, working, and carrying away such mines, minerals, stone, or other substrata which shall not have been included in such estimate of his right and interest, subject to such provisions for compensation for damage to be done to the surface in the exercise of such rights and easements, as by the valuer, with the approbation of the Commissioners, shall be thought reasonable, and as shall not be inconsistent as to the terms of such provisional order.

LXXVII. That after the several allotments hereinbefore directed shall have been set out and made, and after making provision for all or any part of the expenses of the inclosure by sale of lands, in case all or any part of the expenses shall be so directed to be paid, the valuer acting in the matter of the inclosure shall divide, allot, and award all the remainder of the land to be inclosed unto and amongst the several persons who shall be interested therein, in such shares and proportions as shall adjudge and determine to be proportionate to the value of their respective rights and interests which shall have been imed and allowed under the provisions hereinbefore contained.

LXXVIII. That where any allotments shall be made for the labouring poor, under the provisions hereinbefore contained, subject to any rent-charge or rent-charges, such rent-charge or rent-charges may be allotted to any person or persons who elect to receive the same in full or in part of his or their allotment or allotments, and in case no person shall so elect to

receive the same, then to such persons and in such shares as the valuer may think convenient, for the purpose of equalizing allotments or otherwise; and it shall be lawful for the valuer, for the purposes of allotment under this clause, to estimate the value in fee simple of every such rent-charge to be four-fifths only of the value of an allotment of land equal in net annual value to such rent-charge.

LXXIX. That when any person to whom any allotment shall be made or land assigned in exchange by virtue of this Act shall hold such land, or the land in respect of which such allotment or exchange is made, under different titles or for different estates, and as to copyhold or customary land, by separate quit rents, the valuer in the matter of the inclosure shall ascertain and distinguish the land held for each of such estates and under each of such titles respectively, and shall accordingly set out distinct and several allotments for such respective lands, and distinguish the several estates holden by several and distinct quit-rents.

LXXX. That in case any number of the persons interested in the land to be inclosed shall desire to have their allotments thrown together, and distinguished by metes and bounds, but not fenced from each other, and of such their desire shall give notice in writing to the valuer acting in the inclosure, such valuer shall set out the several allotments of such persons so giving notice as aforesaid by metes and bounds, but in one parcel of land, and without requiring them to make any subdivision fences or other fences, save such ring or outer fences as may be necessary, or as the valuer may direct to be made, for dividing the said parcel of land from the residue of the land so to be inclosed.

LXXXI. Provided and enacted, That it shall not be lawful for the said valuer to allot to any other person than the proprietor thereof any land (other than encroachments and inclosures not authorized by law, made within twenty years next before the first meeting for the examination of claims, as aforesaid,) which may be cultivated as orchard or garden, or on which any building may have been erected, or which may have been inclosed by virtue of any agreement between the proprietor thereof and the persons having right of common over the same, without the consent in writing of such proprietor.

LXXXII. That the valuer, in making the several allotments hereby directed, shall have due regard as well to the situation of the respective houses or homesteads of the persons interested in the land to be inclosed as to the quantity and quality of the land to be allotted to them respectively, so far as may be consistent with the general convenience of such persons, and that such valuer in making the said allotments shall have particular regard to the convenience of the persons interested in respect of the smallest estates in the land subject to be inclosed under this Act.

LXXXIII. That the several allotments to be made, except the allotments to the surveyor and churchwardens and overseers respectively, and the other allotments for public purposes, shall be inclosed, ditched, and fenced at the expense of the respective persons to whom the same shall be allotted, in such manner and within such times as the valuer shall direct; and the fences so to be made shall for ever afterwards be repaired and maintained by such persons as the valuer shall direct; and if from the situation or from any other circumstance it shall happen that any person to whom any allotment shall be made shall not have a fair proportion of the boundary ditches or fences assigned to him to make, it shall be lawful for the valuer acting in the matter of any inclosure to ascertain and appoint what sum of money shall be contributed by such person towards making the boundary ditches and fences of the allotments of such other persons as shall have assigned to them to make too great a proportion thereof; and such money shall be paid to such persons and in such manner as by the valuer shall be directed, and the same may be recovered in the same manner as penalties or forfeitures are recoverable under this Act.

LXXXIV. That if at any time before an allotment shall have been made by the valuer any person shall sell his right or interest in the land to be inclosed, or any part thereof, to any person, the valuer shall, upon such sale being certified to him in writing by the vendor, make an allotment of land to the purchaser, or to his heirs or assigns, in respect of the right or interest so sold; and every such purchaser, or his heirs or assigns, shall from the confirmation of the award hold and enjoy the land so to be allotted to him in such manner as the vendor might or ought to have done in case such sale had not been made; and it shall be lawful for any person who shall be entitled to any allotment under this Act to devise, convey, surrender, or otherwise assure the same allotment, or all or any part of his interest therein, at any time before the confirmation of the award; and every such devise, conveyance, surrender, and assurance shall be of the same validity as if the same had been made after the confirmation of the said award; and it shall be lawful for any person entitled to any allotment to sell, dispose of, or convey the estate in right of which he may be entitled to such allotment separate from and retaining to himself such allotment, or the right thereto; and the valuer is hereby required to award such allotment accordingly.

LXXXV. That if any person interested in any inclosure under this Act shall die before the same shall have been completed, the powers and authorities hereby vested in the Commissioners, Assistant Commissioner, and valuer shall not be thereby determined or suspended, but they shall proceed in the execution of such powers and authorities in such manner as they might have done in case such person had not died; and the allotment which might have been made to the person so dying shall be made to such person as by the law shall become entitled to the same, and shall be accepted and fenced by such party according to the directions contained in the award, and he shall be liable to the charges and expenses and other conditions of the inclosure.

LXXXVI. That it shall be lawful for the valuer acting in the matter of any inclosure, with the consent in writing of the person interested in any old inclosed lands, or lands holden in severalty, or otherwise not subject to be inclosed under the general provisions hereinbefore contained, but within the parish in which the land to be inclosed, or some part thereof, shall be situate, or within some parish adjoining thereto, to order and direct such old inclosed lands or other lands as last aforesaid to be considered as allottable, and parcel of the land to be inclosed; and such allowance shall be made to the person interested in such lands, on account of the situation or other beneficial circumstances thereof, as the valuer shall adjudge to be just and reasonable; and he shall allot and award unto the person so interested in such old inclosed lands or other lands as aforesaid so much and such part of the land to be inclosed as he shall think reasonable and just.

LXXVII. That where the freemen or burgesses of any city or borough, or the householders or inhabitant householders of any town or place, or any class or description of such freemen, burgesses, householders or inhabitant householders, or any other persons as a class, shall be entitled to rights of common or other rights over the lands to be inclosed, it shall be lawful for the valuer to award in respect of such rights one or more allotment or allotments, for the benefit of the class so entitled, to any two or more trustees, who shall be nominated by the majority at such meeting as hereinafter mentioned, or in case two or more trustees shall not be nominated at such meeting, then to such trustees as the Commissioners shall approve, with provisions for the appointment of new trustees from time to time, or to the churchwardens and overseers of the poor of the parish in which each allotment shall be situate, in trust for the parties entitled to the right in respect of which the allotment shall be made; and it shall be also lawful for the valuer, having regard to such instructions, if any, as may have been resolved on at such meeting as hereafter mentioned, or to such instructions as shall be given by the Commissioners in this behalf, to direct in what manner and under what regulations such allotment shall be occupied or enjoyed by the persons from time to time entitled to the benefit thereof, and (in case the valuer, having regard to such instructions, shall think fit,) to give directions and powers for the letting of such allotment from year to year, or for any term of years, subject to such provisions and restrictions as the said valuer, with the approbation of the Commissioners, shall think fit, and for the receipt of the money to arise from such letting, and for the application of such money for the benefit of the persons entitled to the benefit of the allotment, and to give all such directions and provisions for the fencing, draining, and management of such allotment, as the valuer may think expedient.

LXXVIII. Provided and enacted, That it shall be lawful for the valuer, with the approbation of the Commissioners and of such meeting as hereinafter mentioned, to sell and dispose of the whole or any part of any allotment to which any such class of persons as aforesaid shall be entitled under this Act; and the allotment or any part thereof so sold shall be conveyed by the Commissioners as the purchaser shall direct, and the Commissioners shall sign a receipt for the purchase-money, which shall be a sufficient discharge for the same; and the purchase-money arising from the sale, or the surplus thereof after payment thereof of any expenses to which the same shall be liable, shall, with the approbation of the Commissioners, be paid to any trustee or trustees, upon trust for the investment thereof, with provisions for the appointment of new trustees from time to time, and for the application of the interest and annual produce of such investment to such purposes, for the benefit of the persons who would have been entitled to such allotment, or the part thereof so sold, in case the same had not been sold, as the Commissioners shall approve, and by the final award in the matter of such inclosure direct.

LXXIX. Provided and enacted, That when the claim of any class of persons entitled as aforesaid shall be allowed the valuer shall certify such allowance to the Commissioners, and the Commissioners shall call a meeting of such persons by advertisement, for the purpose of appointing trustees of the allotment to be made for their benefit, and for giving instructions to the valuer concerning the enjoyment, occupation, and management of such allotment, or for letting the same, and for the application of the money to arise from such letting, or in case such meeting shall think fit that such allotment or any part thereof shall be sold, for directing the sale thereof, and the investment of the money arising from such sale, and the application of the income thereof; and the Commissioners, having reference to the total number of such class (so far as the valuer or the Commissioners may have ascertained the same), shall by such notice declare the number of persons who should be present at such meeting to give validity to the proceedings; and the decision of the majority of such meeting shall bind the minority and all absent parties: Provided always, that no meeting shall be effectual for the purpose aforesaid unless such a number of the said persons shall attend the same as shall be mentioned in that behalf in the advertisement calling such meeting; and if no effectual meeting shall be held for the purpose aforesaid, or, being held, no instructions shall be resolved on by the majority present at such meeting, or in case the Commissioners shall deem such instructions unjust or unreasonable, the Commissioners may give such instructions to the valuer in respect of the matters aforesaid as they shall think fit; provided that no sale of any such allotment or any part thereof shall be made except in pursuance of a resolution of a meeting called as aforesaid; but a recital in the conveyance by the Commissioners upon any sale that such sale was duly authorized shall for all purposes of title be evidence that such sale was made in pursuance of the resolution of a meeting duly called as aforesaid.

XC. That where any persons interested in land to be inclosed under this Act shall be so interested in undivided shares, or as joint tenants, coparceners, or tenants in common, it shall be lawful for the valuer, upon the request in writing of any of the persons so interested in undivided shares, or as joint tenants, coparceners, or tenants in common, to make partition of the lands or allotments coming to such persons so interested, and to allot the same to such persons in severalty; and immediately after the said allotments shall be so made and declared the same shall be holden and enjoyed by the persons to whom the same shall be allotted in severalty, subject to the same uses as such undivided share would have been subject to in case such partition had not been made; and every such partition shall be specified in the award, and shall be valid and effectual to all purposes.

XCI. That all costs and expenses attending any partition to be made by virtue of this Act shall be borne and defrayed by the several proprietors of or persons interested in the estates which shall be so parted in such manner and proportions as the valuer shall order, and in case of non-payment thereof shall be recovered in the manner directed with respect to the recovery of penalties and forfeitures.

XCII. That it shall be lawful for the valuer to allot and award any land to be inclosed in exchange for any other land within the parish in which the land to be inclosed shall be situate, or any adjoining parish; and it shall be lawful for the valuer, in exercise of this present power, to allot all or any part of the land which would have been subject to be allotted under this Act for the purposes of exercise and recreation, or for the labouring poor, or for any other public purposes, to any person, in exchange for other land in the parish or in any adjoining parish which shall appear to the valuer more suitable or convenient for the purposes of exercise and recreation, or for the labouring poor, or for such other public purposes as aforesaid, and to allot such other land for such purposes accordingly; and all lands taken and allotted as aforesaid under this provision, although not situate in the parish in which the land given in exchange for the same shall be situate, shall for the purposes

of the provisions herein contained be deemed to be within such parish, and be managed and dealt with accordingly; provided that all exchanges under which land shall be taken and allotted for public purposes as aforesaid shall be made with the consent of the person interested in the land so taken, and that all other exchanges be made with the consent in writing of the persons interested in the lands so exchanged; and every such exchange so to be made shall be valid and effectual to all purposes, and shall be specified and declared in the award: Provided also, that no exchange shall be made of any land held in right of any church or chapel or other ecclesiastical benefice, without the consent, testified in writing, of the bishop of the diocese and the patron of such benefice: Provided also, that all costs and expenses attending the making and completing of any such exchanges, except exchanges of land taken for public purposes, shall be borne by the several parties making such exchanges in such manner and in such proportions as the valuer shall direct, and in case of non-payment thereof shall be recovered in the manner directed with respect to the recovery of penalties and forfeitures; and the expenses of the exchanges of land taken for public purposes shall be considered part of the expenses of the inclosure.

xciii. That nothing in this Act contained shall extend to revoke, make void, or alter any will, settlement, uses, or trusts, or to prejudice any person having any right or claim of dower, jointure, annuity, portion, debt, charge, rent, or incumbrance upon or affecting any of the land to be inclosed, or which shall be exchanged or given in partition, in pursuance of this Act, but the land allotted, and the land given in exchange or partition, shall immediately after such allotment, exchange, or partition be and enure, and the several persons to whom the same shall be allotted or given in exchange or partition as aforesaid shall thenceforth stand and be seised and possessed thereof respectively to and for such and the same estates, uses, trusts, intents, and purposes, and subject to the same conditions, charges, and incumbrances, as the several lands, rights, or undivided shares thereof, in respect whereof such allotments, exchanges, and partitions shall have been made would have stood limited to and for or been subject to in case the same had not been allotted, exchanged, or given in partition as aforesaid, and as if this Act had not been made, save and except such leases and tenancies at rack rents as shall become void by virtue of this Act, and any joint tenancy which may have been severed by partition as aforesaid, and such rights of common and other rights as are intended to be extinguished by the inclosure, and subject nevertheless to all such mortgages and sales as shall be made by authority of this Act.

xciv. That all such land as shall be taken in exchange or on partition or be allotted by virtue of this Act shall be held by the person to whom it shall be given in exchange or on partition or allotted under the same tenures, rents, customs, and services as the land in respect of which such land shall have been given in exchange or on partition or allotted would have been held in case no such exchange, partition, or inclosure had been made; and the land taken in exchange or on partition or allotted in respect of freehold shall be deemed freehold; and the land taken in exchange or on partition or allotted in respect of copyhold or customary land shall be deemed copyhold or customary land, and shall be held of the lord of the same manor under the same rent and by the same customs and services as the copyhold or customary land in respect of which it may have been taken in exchange or on partition or allotted was or ought to have been held, and shall pass in like manner as the copyhold or customary land in respect whereof such exchanges, partitions, or allotments shall be made, and as to copyhold or customary allotments without any new admittance in respect of the lands taken or allotted respectively; and the land given in exchange or on partition or allotted in respect of leasehold land shall in like manner be deemed leasehold, and shall be held under the same rents and covenants as the land in respect of which it may have been allotted was held, and the remainder or reversion thereof shall be vested in the same lessor respectively as the remainder or reversion of such other land was vested before the exchange, partition, or allotment, except where otherwise particularly directed by this Act.

xcv. That immediately after the allotments herein directed to be made on any inclosure shall have been marked and staked out the valuer acting in the matter of such inclosure may direct the same to be entered upon by the persons respectively for whom the same shall be intended; and immediately after the valuer shall so direct them to be entered upon, all leases, agreements, and tenancies at rack rent subsisting of any part of the land to be inclosed, or which shall be exchanged in pursuance of this Act, or any common right thereon, shall, so far only as respects the land to be divided and allotted or exchanged, or common right, cease and be void at such time or times as the valuer shall by writing under his hand direct or appoint, so as the respective lessors or landlords of such land do, before or at the respective times at which such leases, agreements, or tenancies shall be directed to cease, make and pay such satisfaction to the respective lessees or tenants, for the loss which shall be sustained by the determination of such leases, agreements, and tenancies respectively, as far as regards the land or common right the leases, agreements, and tenancies whereof are hereby authorized to be determined, as shall be mutually settled and agreed between them, or as the valuer, being required by either of the parties, shall ascertain and direct; and the valuer, being so required, is hereby empowered and directed, by writing under his hand, to apportion a reasonable and proportionable part, having regard to the season of the year, of the rent reserved on any such lease, agreement, or tenancy, for or in respect of the time which shall have elapsed between the last day on which any payment of the rent shall have become due and the determination of any such lease, agreement, or tenancy, and such part of the rent shall be recoverable by such ways and means as may by law be used for the recovery of rent in arrear; and the valuer is hereby empowered and directed, in every case where such land or common right shall be held by virtue of any such lease, agreement, or tenancy, together with other lands or hereditaments, by one entire rent, by writing under his hand to apportion and determine what part of such rent shall be deducted in respect of the land or common right in such lease, agreement, or tenancy comprised as to which the same shall be determined as aforesaid, and from what time such deduction shall take place, and the rest of the rent reserved on any such lease, agreement, or tenancy shall during the remainder of the term thereof be the rent of and for the residue of such lands and hereditaments, and shall be payable and recoverable in like manner as the entire rent reserved by such lease, agreement, or tenancy shall immediately before such apportionment be payable and recoverable; and the lessor or reversioner shall in respect of such apportioned rent, and in respect of the residue of such lands and hereditaments, have the benefit and advantage of the provisions and conditions which would have been applicable to the entire rent, and to all the lands and hereditaments comprised in such lease, agreement, or tenancy, in case such lease, agreement, or tenancy had not been determined as to any part of such land: Provided always, that no lease, agreement, or tenancy shall be determined as aforesaid as to any house, cottage, or other building without three calendar

months previous notice in writing of such determination, under the hand of the valuer, shall have been given to the lessee or tenant, or left at such house, cottage, or building.

xcvi. Provided and enacted, That in every case all seigniories, royalties, franchises, and manorial jurisdictions whatsoever in or upon the land to be inclosed under this Act shall not be deemed to be compensated or extinguished, but shall be saved and excepted out of the operation of this Act, unless in and by the award it shall be declared, with the consent of the lord or respective lords interested therein, that such seigniories, franchises, royalties, and jurisdictions shall be extinguished upon the proposed inclosure.

xcvii. Provided and enacted, That in every case in which, under the provisions hereinafter contained, part of the land subject to be inclosed under this Act shall be converted into and used as a regulated pasture, and the residue thereof shall be divided and allotted in severalty, it shall be lawful for the valuer, having regard to the right of the lord of the manor, as the same shall have been ascertained and declared by the provisional order of the Commissioners, and with the consent of the lord of the manor and a majority in value of the other persons interested in the lands proposed to be inclosed, to direct that the rights of the lord of the manor in and to all or any of the mines, minerals, stone, and other substrata under such part of the land as shall be converted into and used as a regulated pasture shall be reserved to the lord, and that all or any of the mines, minerals, stone, and other substrata under the residue to be divided and allotted in severalty shall become the property of the owners of the respective allotments, and that the allotments be adjusted accordingly.

xcviii. Provided and enacted, That in every case in which the right to all or any of the mines, minerals, stone, and other substrata under any land inclosed under this Act shall exist as property distinct and separate from the property in the surface, and shall not be compensated upon the inclosure, the right and property in such mines, minerals, stone, or other substrata, and all rights and easements auxiliary to or connected with the exercise or enjoyment of the right and property in such mines, minerals, stone, or other substrata, shall be in nowise affected by the inclosure; and in case any mines, minerals, stone, or other substrata under any land inclosed under this Act, or the right of searching for or getting the same, shall have been leased or agreed to be leased to any person as property distinct and separate from the property in the surface, with or without powers over the surface of the land auxiliary to the purposes of such lease, the rights of the lessee or tenant under such lease or agreement shall be in nowise affected by the inclosure.

xcix. That the timber trees and other trees and underwood standing and growing upon any land to be inclosed shall be allotted and go along with the land whereon they respectively stand, and shall be deemed the property of the several persons to whom the same land shall be respectively allotted, such person paying to the owner of such trees and underwood such sums of money for the same, and at such time or times and place or places, as the valuer shall by writing under his hand direct; but if the parties who are to make such respective payments shall neglect or refuse to make the same accordingly, then it shall be lawful to and for the respective parties who shall be entitled to have and receive such payments to enter on the said lands, and cut down, take, and carry away to their own use the said trees and underwood in respect of which the said payments were respectively to be made to them, at any seasonable time or times within one year next after such neglect or default, doing as little damage on the land as may be.

c. That no person shall graze or keep any horse, beast, cattle, sheep, or swine upon any of the roads or ways which the valuer shall order to be set out, and which shall be fenced on both sides, for the space of seven years next after the execution of the award; and every owner of land to be inclosed, his servants and labourers, and also every peace officer and parish officer of the parish in which the land shall be situate, for the time being, is hereby empowered to take and impound any such horse, beast, cattle, sheep, or swine which shall be found so grazing as aforesaid, as cattle damage feasant: Provided always, that nothing herein contained shall prevent the proprietors of the land which shall next adjoin the private roads and ways from depasturing their cattle thereon so far as the frontage of their respective land extends.

ci. That it shall be lawful for the valuer acting in any inclosure, at any time before the confirmation of the award, with the approbation or by the direction of the Commissioners, to make any alterations which he may think right and expedient in the allotments or in the fences which he may have set out and ordered, or in the private roads he may have set out, or in any of the orders or directions relating thereto which he may have made in the matter of such inclosure; and in case any person shall be injured by any such alteration, on account of any expenses he may have incurred, or otherwise, the valuer shall ascertain and determine what recompense shall be made to him for such injury, and shall either pay the amount thereof out of the monies raised for the expense of the inclosure, or shall direct by whom and in what manner such recompense shall be made; and in case of non-payment thereof the same shall be recovered in the same manner as penalties and forfeitures are recoverable under this Act.

cii. That the valuer acting in the matter of any inclosure shall, as soon as conveniently may be after the division and allotment of the land to be inclosed shall be completed, draw up a report in writing, with a map thereunto annexed, which shall specify all the claims allowed, and all the allotments, exchanges, and partitions made in the matter of such inclosure, and all roads, ways, and works set out or directed to be made by the said valuer; and such report shall contain all such particulars in relation to such allotments, roads, ways, and works as are by this Act directed, and all such other directions and determinations authorized by this Act as the said valuer shall think proper for the purposes of the inclosure; and the map to be annexed to such report shall comprise and shew the land to be inclosed and the lands exchanged, and also the lands in respect of which any allotments of the land inclosed shall have been made, and shall distinguish by proper references the allotments made in respect of the several lands respectively, and such other particulars as the Commissioners shall by any general or special instructions in relation to such report direct the valuer to set forth therein; and such report shall be signed by the valuer, and shall, together with the map thereunto annexed, be sent to the office of the Commissioners.

ciii. That as soon as the report of the valuer shall have been sent to the Commissioners they shall cause a copy of the same to be deposited at some convenient place within the parish in which the land to be inclosed, or some part thereof, shall be situate, for the inspection of all persons interested in such land, and shall forthwith cause notice to be given where the

said copy may be inspected, and shall also in such notice appoint some convenient place, and such times as they shall think necessary (the first not earlier than twenty-one days from the first giving such notice), for holding a meeting to hear objections to any allotment, direction, determination, or matter in the report; and the Commissioners or some Assistant Commissioner at such meeting as aforesaid shall hear and determine any objections which may be then and there made to any such allotment, direction, determination, or matter by any person interested therein, or adjourn the further hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation or survey of the land or any part thereof, and take such other measures for ascertaining the justice and propriety of the determinations and directions of the valuer, as to the Commissioners or Assistant Commissioner shall seem proper, and from time to time, if they or he shall see occasion, fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed with regard to the original meeting; and when the said Commissioners or Assistant Commissioner shall have heard and determined all such objections, and made such inquiries as the Commissioners shall think fit in relation thereto, the Commissioners shall approve such report, or cause the allotments, directions, determinations, and matters therein mentioned, or any of them, to be amended, as they shall see occasion.

civ. That after such proceedings as aforesaid shall have been had, and all such objections to such report (if any) shall have been finally disposed of, and such amendments (if any) shall have been made in the allotments, directions, and matters therein contained as aforesaid, the valuer, under the direction of the Commissioners, shall cause to be drawn up and engrossed on parchment the award in the matter of such inclosure, which shall be signed by the valuer, and shall describe the boundaries, if any, which shall have been ascertained and set out under the provisions hereinbefore contained, and shall contain or set forth the report of the valuer, or the allotments, exchanges, partitions, directions, and matters contained in such report, if so approved as aforesaid, or such allotments, exchanges, directions, and matters therein contained as the same shall have been amended as aforesaid, and shall contain a declaration whether all or any and which of the mines, minerals, stone, and other substrata shall or shall not have been included in the estimate of the right and interest of the lord in the soil (in respect of which any allotment shall have been made to him), and the valuer shall annex to such engrossment the map referred to by such report; and the Commissioners shall confirm such award, with the date of such confirmation thereunto annexed, under their hands and seal.

cv. That such confirmation as aforesaid shall be conclusive evidence that all the directions of this Act in relation to such award, and to every allotment, exchange, partition, and matter therein set forth and contained, which ought to have been obeyed and performed previously to such confirmation, shall have been obeyed and performed; and no such award shall be impeached by reason of any mistake or informality therein, or in any proceeding relating thereunto, or on account of any want of any notices or consents required by this Act, or on account of defects or omissions in any previous proceeding whatever in the matter of the inclosure; and every allotment, exchange, partition, direction, matter, and thing specified and set forth in such award as aforesaid shall be binding and conclusive on all persons whomsoever.

cvi. That the several allotments which shall upon any inclosure under this Act be allotted to the several persons who shall be entitled to the same shall when so allotted be and be taken to be in full bar of and satisfaction and compensation for their several and respective lands, rights of common, and all other rights and properties whatsoever, not excepted or reserved by this Act or by the award in the matter of such inclosure, which they respectively had or were entitled to in and over the said lands, immediately before such inclosure; and that from and immediately after the confirmation of the award by the Commissioners, or at such earlier time as the valuer, with the approbation of the Commissioners, shall by notice on the church door direct, all rights of common, and all rights whatever by the inclosure intended to be extinguished, belonging to or claimed by any person whomsoever, in or upon such lands, shall cease, determine, and be for ever extinguished.

cvii. Provided and enacted, That when any award, so confirmed as aforesaid, shall not have distinguished the several tenures of any of the lands therein mentioned, or the different estates or titles for or under which the same shall be held, or shall have set out and awarded an aggregate allotment in any case in which there should have been set out and awarded several and distinct allotments, it shall be lawful for the Commissioners, at any time within two years after the confirmation of the award, upon request in writing to them made by any person interested in any such aggregate allotment, to do all such acts as may be necessary for supplying such omission, and for subdividing such aggregate allotment, and for that purpose to examine witnesses, and proceed as if the said award had not been confirmed, and by any order or instrument under their hands and seal to subdivide any aggregate allotment into separate allotments, and to distinguish and set out the allotments and lands held by different tenures, and also the allotments and lands held by, for, or under different estates or titles respectively, in the same manner as by this Act is authorized and required to be done in cases where such allotments and lands are directed to be ascertained, distinguished, and set out by the valuer; and every such separate instrument shall have the same power and effect as if it were contained in the said award; and such instrument shall be engrossed, and deposited with the award, and shall thenceforth be deemed to be part thereof to all intents and purposes; and all the expenses which shall be reasonably incurred in or about any such subsequent inquiry or separate instrument as aforesaid, and the engrossment thereof, shall be paid by the party who shall have requested the Commissioners to make and execute the same, or by his executors or administrators.

cvi. That the allotment which upon any inclosure under this Act shall be made for the labouring poor shall be under the management of the incumbent of the parish or ecclesiastical district in which such allotment shall be situate (or the officiating minister for the time being nominated by the incumbent for that purpose), the churchwarden, if there be but one, or (if there be more than one) one of the churchwardens for the time being of such parish, and two other persons who shall be rated to the relief of the poor in such parish; and such churchwarden, where there is more than one churchwarden, shall be yearly named, and such two other persons shall be yearly chosen and appointed, at the same time, and by the same persons, and in the same manner, as the overseers of the poor for such parish shall be chosen and appointed, and shall continue in office in like manner until the next appointment of overseers, or until others are named and chosen and appointed in their stead; and such incumbent (or officiating minister), churchwarden, and two other persons for the time being shall be styled



"the Allotment Wardens" of the parish, and shall manage and let the said allotment as hereinafter provided, and all things by this Act authorized to be done by such allotment wardens may be done by any two of them, and in the event of the death or retirement from office of any one or more of the said allotment wardens the surviving or continuing wardens may act as if no such vacancy had happened.

cix. That the allotment wardens shall from time to time let the allotment under their management in gardens not exceeding a quarter of an acre each to such poor inhabitants of the parish for one year, or from year to year, at such rents, payable at such times, and on such terms and conditions, not inconsistent with the provisions of this Act, as they shall think fit: Provided always, that the Commissioners may frame such regulations, not inconsistent with the provisions of the Act, for the letting of such allotments as aforesaid, as they may think advisable, and such regulations shall be obligatory on the allotment wardens during five years from the date thereof or during such shorter period as the Commissioners shall direct: Provided also, that the gardens so to be let shall be let free of all tithe or tithe rent-charge (if any), rates, taxes, and assessments whatsoever, and shall before the first letting thereof, and once at least in every ten years after such first letting, be valued by a competent person to be appointed by the allotment wardens for that purpose, who shall estimate the full rent which the same would be worth to be let by the year for farming purposes, all tithes or tithe rent-charge, rates, taxes, and assessments, being borne by the landlord, and shall verify such valuation by solemn declaration under the statute; and the rent at which the same gardens respectively shall be let shall be not below the full yearly value of the land according to the last of such valuations; and the allotment wardens shall, for the purposes of all rates and taxes, be deemed the occupiers of such allotment, and shall pay all rates and taxes, tithes and tithe rent-charge (if any), in respect thereof: Provided always, that no building whatsoever shall, under any such letting as aforesaid or otherwise, on any pretence, be erected for or used as a dwelling on any such garden or on any part of any such allotment; and in case any such building shall be erected or used as aforesaid contrary to this provision, the allotment wardens shall forthwith pull down the same, and sell and dispose of the materials thereof, and the produce of such sale shall be applicable in like manner as the rents of such gardens.

cx. That if the rent reserved upon the letting of any garden by the allotment wardens shall at any time be in arrear for forty days, or if at any time during the tenancy, being not less than three calendar months after the commencement thereof, it shall appear to the allotment wardens that the occupier of such garden shall not have duly observed the terms and conditions of his tenancy, or shall have gone to reside more than one mile out of the parish, then and in every such case the allotment wardens shall serve a notice upon such occupier, or in case he shall have gone to reside out of the parish shall affix the same to the door of the church of the parish, determining the tenancy at the expiration of one month after such notice shall have been so served or affixed, and thereupon such tenancy shall be determined accordingly: Provided always, that in every such case the allotment wardens or their incoming tenant shall pay to the occupier whose tenancy shall have been so determined a fair recompense in money for any crops (not being crops prohibited by the terms of such tenancy) which may be growing on such garden at the time of such determination, and for any manure left on such garden, or any benefit accruing from the manuring of such garden to the wardens or their incoming tenant; and the Justices to whom application may be made for a warrant to give possession of such garden shall settle the amount of such recompense, in case the parties differ about the same, and stay the execution of such warrant until the same shall have been paid or tendered, or (in case such occupier be absent) until the payment thereof shall have been secured to the satisfaction of such Justices.

cx. That in case upon the determination of any such tenancy as aforesaid the occupier of any such garden shall refuse to quit and deliver up possession thereof, or if any other person shall unlawfully enter upon, take, or hold possession of any such garden, or of any part of such allotment, the allotment wardens may recover possession according to the mode prescribed by an Act, 1 & 2 Vict. c. 74, intituled 'An Act to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy,' in such and the same manner as if the said wardens were landlords or a landlord, and as if such over-holding occupier or other person were a tenant neglecting or refusing to quit and deliver up possession, within the meaning of the last-mentioned Act.

cxii. That all rents payable in respect of the allotment under the management of the allotment wardens shall be payable to such wardens, who shall have the same remedies for recovery thereof by distress and otherwise as if the legal estate of and in such allotment were vested in them under this Act; and such rents shall be applicable, in the first place, to the payment of all rates, taxes, tithes, tithe rent-charge, and of the rent-charge charged on such allotment under the provisions of this Act, and of all expenses incurred by the allotment wardens in the execution of their trusts and powers under this Act; and the residue, if any, of such rents, shall be paid to the overseers of the poor, in aid of the poor rates of the parish, and be applicable in the same manner as and subject to all the provisions concerning the monies assessed for the relief of the poor.

cxiii. That it shall be lawful for the Commissioners, on the application in writing of persons interested in any land which shall be directed to be inclosed under this Act whose interest shall exceed in value one half of the whole interest in such land (such application to be made at any time before the instructions to the valuer shall have been delivered to him under the seal of the Commissioners, as hereinbefore provided), to direct such land or any part thereof to be converted into and used as a regulated pasture, to be stocked and depastured in common by the persons interested therein, in proportion to their respective rights and interests as the same shall be determined on the examination of claims; and in case part of such land only shall be so directed to be stocked and depastured in common, the valuer shall, subject to the instructions which shall be given to him under the provisions of this Act, ascertain and set out the part which shall be so used as a regulated pasture, and shall direct how and at whose expense the same shall be fenced and divided from the residue of such land; and the valuer acting in the matter of such inclosure shall, in every case where land shall be so directed to be used as a regulated pasture, ascertain and allot the respective stints or rights of pasturage (specifying the respective numbers of the respective kinds of stock or animals to be admitted to the pasture in respect of such respective stints or rights of pasturage, with such option as to equivalent numbers of the respective kinds of stock and animals as he shall think just, and, if he shall think fit, specifying the time during which such stock or animals may be kept on the pasture,) as he shall adjudge and determine to be proportionate to the value of the respective rights and interests of the persons interested as aforesaid; and the Commis-



sioners may frame such directions as they shall think fit for guiding the valuer in the correct specification of such stints or rights: Provided always, that in every case in which part only of the land subject to be inclosed under this Act shall be so directed to be used as a regulated pasture, and the residue thereof to be divided and allotted in severalty, it shall be lawful for such valuer, having regard to the convenience of the persons interested in such land, to award to any such person either a stint or right of pasture or an allotment in severalty only, or both a stint or right of pasture and an allotment in severalty, so as such stint or right only, or such allotment only, or (as the case may be) such stint or right and allotment together, be in the judgment of the valuer proportionate to the right and interest in respect of which the same shall be awarded: Provided also, that in any case in which it shall appear to the valuer that the proportionate right or interest of any person is too small to be conveniently compensated by a stint or right of pasture, or that it is not practicable wholly to compensate such person by a stint or right of pasture, and the circumstances of the inclosure will not admit, in the judgment of the valuer, of an adjustment or compensation by an allotment in severalty, it shall be lawful for such valuer, for the purpose of compensation or adjustment, to direct a sum of money to be paid to such person in lieu of or (as the case may require) in addition to the award of a right of pasture or stint; and such sum of money shall be paid out of the monies applicable to the payment of the expenses of the inclosure.

cxiv. That all the provisions and powers hereinbefore contained in relation to public and private roads, ways and works, and all other the powers, provisions, and directions, penalties and forfeitures, applicable to the case of an inclosure under this Act, and the provisions and directions concerning examination of claims, and the rehearing thereof, and the report of the valuer, and the amendment of the matter thereof, and the award, and the confirmation and effect of the award, shall be applicable to the case where the land subject to be inclosed shall be directed to be used as a regulated pasture; and the word "inclosure" shall in every case in this Act where the context is not repugnant to such construction include the conversion of land subject to be inclosed into such regulated pasture, and the proceedings in relation thereto.

cxv. That in every case in which land shall be directed to be converted into and used as regulated pasture under this Act the valuer acting in the matter of the inclosure shall determine and direct the proportionate shares or aliquot parts which the respective owners for the time being of the several stints or rights of pasture shall be liable to pay of any sum of money which shall be raised by way of rate on such owners under the provisions of this Act; and such determination and direction, in case the same shall be approved, or as the same may be amended by the Commissioners, shall be for ever after observed in every rate to be made under the provisions of this Act, and shall be the rule also according to which the proportionate values of the stints shall be determined in taking the votes of the owners of stints under the provisions hereinafter contained.

cxvi. That the right of soil of and in all land which shall be converted into regulated pastures shall, subject to the right of the lord of the manor to all or any of the mines, minerals, stone, and other substrata, where the same shall be reserved to him under this Act, and to the other rights given or reserved by this Act and the award in the matter of such inclosure, be vested in the persons who under the directions and determinations of such award shall be the owners of the stints or rights of pasture therein, in proportion to the shares or aliquot parts which such stints shall be thereby declared liable to of any rate under this Act, as tenants in common.

cxvii. That where any land shall have been converted into a regulated pasture under the provisions of this Act a meeting shall be called by the Commissioners of the owners of the stints or rights of pasture, at such time after the confirmation of the award as the Commissioners shall by notice on the church door appoint; and the major part in value of such owners present by themselves, or their agent authorized in this behalf, at such meeting, shall elect a fit person or persons to be field reeve or reeves of such regulated pasture; and every field reeve so to be elected as aforesaid, or to be elected or re-elected at any subsequent meeting, shall continue in office until the expiration of fifteen days after the day of the annual meeting of such owners then next following, and no longer, unless he shall be re-elected at such annual meeting; and such owners shall ever after such first meeting meet for the election of a field reeve or field reeves on the first Monday in February in every year; and the owners assembled at such meetings shall from time to time fix, increase, or diminish the salary or payment to be made to every such field reeve, and may appoint or authorize any field reeve to appoint and employ herds and assistants, as such owners may think fit; and any such field reeve may be removed by four-fifths in value of the owners of stints present by themselves or their agents authorized in this behalf at any meeting called for the purpose by fourteen days' notice on the church door under the hands of any two such owners of stints; and in case any such field reeve shall die while he shall hold such office, or shall be removed as aforesaid, it shall be lawful for the majority in value of owners of stints or pastures present as aforesaid at any meeting which upon such vacancy any two owners may call by fourteen days' notice on the church door, to appoint a field reeve in his place, who shall hold the office until the expiration of fifteen days after the then next annual meeting; and a certificate in writing under the hands and seals of two Justices of the Peace of the election of any field reeve (which certificate any two Justices of the Peace are authorized, if they think fit, to give, on the request and upon the declaration of any owner of such stints as the agent of any such owner present at the meeting at which the election shall have taken place,) shall in all matters and proceedings whatsoever in which any acts done by any field reeve in the execution of his office shall be in question be evidence that he was duly appointed field reeve.

cxviii. That the field reeve or reeves for the time of being of every such regulated pasture shall, subject to such orders and instructions in writing as may from time to time be agreed on by the majority in value of the owners of such stints as aforesaid, at their yearly meetings, regulate the times in each year during which stock or animals shall be admitted to and excluded from such regulated pasture, and shall maintain and keep in order the fences, gates, ditches, drains, watercourses, embankments, jetties, and weirs, or make any new fences, gates, ditches, drains, watercourses, embankments, jetties, or weirs, and do all works necessary for the maintenance and improvement and good order of such regulated pasture, and shall and may distrain all stock and animals found thereon contrary to the regulations of such pasture, and do all other acts for the maintenance and improvement of such regulated pasture, and the convenient use and occupation thereof, as the field reeve or reeves, subject to such instructions as aforesaid, may think fit; and where there shall be any buildings on such regulated pasture, or where the majority in value of the owners of stints at any yearly meeting shall direct that any buildings for the shelter or stall-feeding of stock or animals be erected thereon, such field reeve or reeves shall or may maintain and keep in

repair such buildings, or cause such buildings to be erected, in pursuance of such direction, and let the same from year to year, or, under such instructions as aforesaid, for any term of years, and shall receive the rents thereof; and such rents shall be applicable, in the first place, to the same purposes as the rates hereinafter authorized to be raised on the owners of stints are made applicable, and the residue (if any) shall be paid to the owners of stints in proportion to the respective liability of their stints to such rates.

**CXIX.** That when it shall appear to the majority in value of the owners of stints present at any annual meeting that the condition of the pasture would admit of an increase of the respective rights of pasture thereon, or would require a diminution of such respective rights, it shall be lawful for such majority of the owners so present to direct that the respective number of stock or animals to be admitted to the pasture in respect of the several rights be increased, or, as the case may be, diminished, rateably, to such extent as they shall think fit: Provided always, that in case it shall happen that the right of any such owner shall not be sufficient to admit of a rateable increase or diminution, such annual money payment shall be made to such owner in lieu of increase of his right, or, as the case may be, charged on such owner in lieu of the diminution of his right, as such majority shall award, or in case the person to or on whom such money payment shall be awarded or charged shall think the sum awarded insufficient, or the sum charged excessive, then as any two Justices of the Peace shall, upon the complaint of such person, and after summons of the field reeve or one of the field Reeves of such pasture (which may be in the form in the schedule to this Act), and on hearing in a summary way the matter in difference, think reasonable and order to be paid; and such order may be in the form in the schedule to this Act; and every such money payment payable in lieu of increase of right shall be paid annually by the field reeve out of the monies raised by the rate made for the expenses of such regulated pasture; and the money charged on any such owner shall be recoverable as a rate on owners of stints is hereby made recoverable; and all annual payments payable as aforesaid shall be payable on the first Monday in February in every year.

**CXX.** That all salaries and allowances to field Reeves and other persons, and all expenses in and about the management of every such regulated pasture, and the repairs and erection of buildings thereon, under the directions of such meetings of owners as aforesaid, and all other expenses of such regulated pasture, shall be paid and defrayed by the owners of the respective stints therein: and for that purpose it shall be lawful for the field reeve or one of the field Reeves, under the directions of any such meeting of owners, from time to time to make a rate on the respective owners for such sum as the majority of owners present at such meeting shall think requisite; and every such rate shall be apportioned and paid by the owners according to the rule of rating established for such regulated pasture, and shall be paid to the field reeve, on demand thereof, and in case the same shall not be paid within fourteen days after demand thereof, shall be recoverable by distress; and it shall be lawful for any field reeve to exclude from such regulated pasture the stock or animals of any owner or his tenant whose proportion of the rate shall be in arrear and unpaid for fourteen days after demand thereof, until the proportion of such rate so in arrear shall be fully paid; and any such demand or distress may be made of or on the occupier of any such stint as if the occupier were the owner liable to the payment of such rate, and such rate may be paid by any such occupier on demand thereof, and the money so paid by any such occupier shall be deemed a payment on account of his rent, and shall be allowed by his landlord accordingly.

**CXXI.** That where any land shall be already occupied as a gated or stinted pasture, and any of the persons interested in such gated or stinted pasture whose interests shall not be less in value than two-thirds of the whole interest therein shall be desirous that such gated and stinted pasture should be subject to the provisions of this Act concerning regulated pastures, without being subject to the other provisions concerning lands subject to be inclosed under this Act, and shall make application in writing to the Commissioners to take proceedings for that purpose, it shall be lawful for the Commissioners after making such inquiries as may appear to them necessary, to cause to be ascertained by any valuer to be appointed or approved by the Commissioners for that purpose the proportionate rights and interests of the several persons interested in such pasture, and also the respective rights of pasture to which, having reference to the productiveness of such gated or stinted pasture, the several persons interested therein may, in the judgment of such valuer, be entitled; and such valuer shall determine and direct, as hereinbefore mentioned, the proportionate liability to rates under this Act of the occupiers of stints or rights of pasture, and in like manner as in case of the conversion into regulated pasture of land subject to be inclosed upon an inclosure under this Act; and the Commissioners shall hear or cause to be heard by an Assistant Commissioner, any objections to the determinations of claims by and to the report of the valuer respectively, and approve or amend such determinations and such report respectively as they shall think fit; and the valuer, under the direction or with the approval of the Commissioners, shall frame and cause to be ingrossed an award setting forth such draft award, and the matter of such report, and the Commissioners shall confirm the same, with the date of the confirmation, under their hands and seal; and from and after the confirmation of such award such gated and stinted pasture shall be subject to all the provisions herein contained concerning land subject to be inclosed, converted into and used as regulated pasture, and shall be rateable under such provisions, according to the rule of rating as set forth in such award; and such award shall be as binding and conclusive as the same had been made and confirmed on an inclosure under this Act.

**CXXII.** That all the expenses of or attending the proceedings for subjecting lands already used as gated or stinted pasture to the provisions of this Act, concerning lands subject to be inclosed, converted into or used as regulated pasture, shall be paid and borne by the persons interested therein, in proportion to their respective liabilities to rates under this Act, according to the rule of rating established in respects of such gated or stinted pasture under this Act, and shall be paid at such time and in such manner to such persons as the valuer, with the approbation of the Commissioners, signified by writing under their hands and seal, shall direct, and shall be recoverable in such and the same manner as the expenses of an inclosure made in pursuance of this Act.

**CXXIII.** That for surveying and valuing any land to be inclosed or otherwise dealt with under this Act, and for the other purposes of this Act, it shall be lawful for the Commissioners, or an Assistant Commissioner or valuer, or any person or persons to be appointed by such Commissioners, Assistant Commissioner, or valuer, at any time after application has been

made to the Commissioners to sanction an inclosure, or to certify to the expediency of an inclosure, as the case may be, to make any survey, admeasurement, plan, or valuation, with assistants and servants, and at any time or times whatsoever, until the inclosure or other proceedings under this Act shall be completed, to enter into, view and examine, survey or admeasure, all and every part of the land to be inclosed or dealt with, and to do or cause to be done any act or thing necessary for putting this Act into execution.

CXXIV. That the allowances and payments to be made to and by the valuer, which shall have been audited and approved by or under the directions of the Commissioners, and all other the expenses of every inclosure, except the allowances and salaries to the Commissioner who is to have a salary, and to the Assistant Commissioners, secretary, clerks, messengers, and officers of the Commissioners, and the travelling and other expenses of the Commissioners and Assistant Commissioners, and except any expenses which the Commissioners or Assistant Commissioner, or any court under the powers of this Act, shall order to be otherwise paid, shall be borne and defrayed by the several persons interested in the lands to be inclosed (except the surveyors of highways, churchwardens and overseers, and persons to whom lands shall be allotted for public purposes, in respect of the allotments hereinbefore authorized or directed to be made to them respectively) in such shares and proportions, and shall be paid at such time and place, or respective times and places, and to such persons, as the valuer, with the approbation of the Commissioners, signified by writing under their hands and seal, shall direct; and such valuer shall give notice requiring payment of the respective shares and proportions of such expenses on the church door, and shall give to all persons so liable, who shall not reside in the parish in which the land inclosed or any part thereof shall be situate, and whose respective places of abode shall be known to the valuer, notice by letter sent by the post of the sums they respectively shall be liable to pay, at least fourteen days before the time appointed for such payment; and the valuer shall from time to time make estimates of all such expenses, and raise the amount of such estimates at such times as he shall, with such approbation of the Commissioners, deem proper, either before or after the confirmation of the award.

CXXV. Provided and enacted, That before the Commissioners shall approve the estimates of such expenses they shall submit the same to a meeting of persons interested, called after seven days' notice, and shall take into consideration any representation with respect to such estimates which may be made to them on the part of the majority of the persons present at such meeting.

CXXVI. That if any person shall refuse or neglect to pay his proportion of such expenses within such time and to such person as the valuer shall appoint, it shall be lawful for the valuer to recover the same, together with lawful interest, to be computed from the day on which the same ought to have been paid, by action at law in his own name in any of Her Majesty's courts of record at Westminster, or it shall be lawful for him, by warrant directed to any person whomsoever, to cause the same, with such interest thereon as aforesaid, to be levied by distress, or it shall be lawful for the valuer, or any person authorized by him, immediately after such neglect or refusal, to enter into and upon the premises so to be allotted to such person, and demise the same, or to demise any stint or right of pasture allotted to such person, and receive the rents and profits thereof respectively, until thereby or otherwise such share or proportion, with lawful interest as aforesaid, and also all the costs and expenses attending such entry upon and demise, and receipt of the rents and profits of the said premises, shall be fully paid and satisfied: Provided always, that no such action at law as aforesaid shall be brought by the valuer against any person for his proportion of such expenses as aforesaid, nor shall any proceeding be taken to levy any such proportion of expenses by distress as aforesaid, before the expiration of thirty days after notice in writing that such proportion of expenses is in arrear, and requiring payment thereof, shall have been given to the person liable to pay the same, or left at the usual place of abode of such person.

CXXVII. Provided and enacted, That if at any time after the allotments shall have been stake dout it shall appear to the valuer, either before or after the confirmation of the award, that the money to arise by any previous rates will not be sufficient to defray the expenses aforesaid, the deficiency shall, with such approbation of the Commissioners as aforesaid, be made up and raised from time to time by a rate to be made and levied upon the several persons interested in the lands to be inclosed (except as aforesaid), in such shares and proportions, within such time, and to be paid to such persons as the valuer shall from time to time direct; and in case any persons hereinbefore made subject to the payment of any money towards such expenses shall neglect or refuse to pay his share or proportion of any such rate within the time appointed for that purpose, or at any time after such demand, the same shall be levied and recovered in the manner directed by this Act with respect to the previous rate.

CXXVIII. That if any valuer or surveyor chosen or appointed to act in the matter of any inclosure or other matter under this Act shall, before his duties shall be fully performed, refuse to attend to, or become by sickness or otherwise incapable to act in such matter, or by writing under his hand desire to be discharged from the office of valuer or surveyor respectively, or shall in the judgment of the Commissioners neglect his duties, or misconduct himself in his office, or become or be found incompetent or unfit to act as a valuer or surveyor under this Act, it shall be lawful for the Commissioners, by order under their hands and seal, to remove him from the office of valuer or surveyor, as the case may be; and if any valuer or surveyor shall be so removed, or shall die, it shall be lawful for the Commissioners, by order under their seal, to appoint a valuer or surveyor in his stead, and every valuer and surveyor so appointed shall have the same powers as if he had been chosen at a meeting of the persons interested in the land in manner hereinbefore directed.

CXXIX. That no valuer who shall have acted in the matter of any inclosure shall be capable of being a purchaser of any land within the parish in which the lands to be inclosed, or any part thereof, shall be situate, until the expiration of seven years after the confirmation of the award in such inclosure.

CXXX. That it shall be lawful for the Commissioners, having regard to the time and labour and expenses of the Assistant Commissioners and all other persons, if any, specially employed and paid by the Commissioners in or about any inclosure, exchange, division, partition, or other proceeding under this Act, by any order under their hands and seal, to order and declare that a sum, in such order to be mentioned, be paid to the Commissioners in respect to the salary, allowance, and

expenses of the Assistant Commissioners and other persons, if any, so specially employed in or about such inclosure, exchange, division, partition, or other proceeding; and the Commissioners shall by such order declare such sum to be charged on the persons interested in the land to be inclosed, or to which such proceeding shall relate, in such shares as they shall think just, and shall appoint a time for payment thereof; and the same shall be raised in the same manner as the expenses of the inclosure, or of subjecting the land to the provisions concerning regulated pasture, are directed to be raised under this Act, and be deemed part of the expenses of the inclosure or matter aforesaid, or, in the case of an exchange, division, or partition, in the same manner as the expenses of such exchange, division, or partition, and when raised shall be paid to the Commissioners, who shall forthwith pay the same into Her Majesty's Exchequer, to be carried to the account of the Consolidated Fund.

**CXXXI.** Provided and enacted, That the several persons interested in the inclosure or other proceeding under this Act, and their respective agents, shall pay their own expenses whenever they shall attend any of the meetings to be held in the matter of any inclosure.

**CXXXII.** That the Commissioners or Assistant Commissioner acting in the matter of any inclosure, or in any inquiry into the expediency or inexpediency of any proposed inclosure, where they or he may see fit, may order such expenses of witnesses, and of the production of any books, deeds, court rolls, and writings, maps, plans, and surveys, or copies thereof, and all other expenses (except the salary or allowance to any Assistant Commissioner) incurred in the settlement of any suit or difference, or in the hearing and determining any objection or matter whatever before the said Commissioners or any Assistant Commissioner, to be paid by such parties interested in the production thereof respectively, or in the event of such suit, difference, objection, or matter, or in any such inquiry, by or in such proportions as the Commissioners or Assistant Commissioner shall think fit and reasonable; and the Commissioners may, when they shall see occasion, require such security to be given by persons making application for any inquiry under this Act, for the payment by such persons of the expenses of or occasioned by such inquiry, as the Commissioners may think fit.

**CXXXIII.** That it shall be lawful for the respective persons interested in allotments in severalty or allotments of stints or rights of pasture respectively to be made under this Act, being tenants for life or in tail, or for any other estate of freehold or inheritance, and also for the husbands, guardians, trustees, committees, or attorneys of any of the proprietors, being under coverture, infants, lunatics, idiots, or under any other disability or incapacity, or beyond the seas, or by the persons acting as such guardians, trustees, or committees, or attorneys respectively, and for the trustees or feoffees for charitable, parochial, or other uses, or the majority in number of them, in respect of any lands held by them in trust for any charitable, parochial, or other uses, (with the consent of the Commissioners, testified in writing under their hands and seal,) and for the incumbent of any ecclesiastical benefice, with the consent in writing of the bishop of the diocese and of the patron of such benefice, from time to time to charge their respective allotments with any money not exceeding, as to any allotments in severalty, *5l.* per acre, towards their respective proportions of the inclosure expenses, and for securing the repayment of such money, with interest, to mortgage or demise the said allotments unto or in trust for any person who shall advance any money for any term of years, but so that every such mortgage or demise be made with a condition to cease or upon trust to be surrendered or assigned when the money thereby to be secured, with all interest thereon, shall have been fully paid, and so that in every such mortgage or demise which shall be made by or on behalf of any person entitled to any such allotment for the term of his natural life there be contained a covenant to pay and keep down the interest of the money to be secured during his life, in such manner that no person afterwards becoming possessed of such lands shall be subject or liable to pay any larger arrear of interest than for six months previous to the time when the title of such person shall accrue or commence; and every incumbent of a benefice by whom such mortgage or demise shall be made shall keep down the interest on the money to be secured, or on so much thereof as shall remain owing, and shall repay, in reduction of the principal, one thirtieth part of the money originally secured, at the expiration of the term of one year from the time of making such mortgage, and a like sum at the expiration of each succeeding term of one year, until the whole be repaid; and every such mortgage or demise shall be valid in the law for the purposes thereby intended; and every such mortgagee and his assigns shall have the like remedies in case of non-payment of the monies thereby secured as in the case of other mortgages of the like nature.

**CXXXIV.** That it shall be lawful for the Commissioners, on application made to them in writing by any of the proprietors of allotments to be made by virtue of this Act, or by any of the husbands, guardians, trustees, committees, or attorneys of or for any of such proprietors, being under coverture, infants, lunatics, idiots, or under any other disability or incapacity, or beyond the seas, or by the persons acting as such guardians, trustees, committees, or attorneys respectively, or by any of the said proprietors, being tenants in tail or for life, or by any trustees or feoffees for charitable, parochial, or other uses, or by the majority in number of them, or by any incumbent of an ecclesiastical benefice in right of which an allotment may have been made, and the bishop of the diocese and the patron of such benefice, to direct a sale of any part of any such allotment, for raising a sum of money sufficient to defray the proportionable part of the expenses which shall in such rates be charged upon such parties, and of the expenses of making and completing such sale: Provided always, that in all cases in which the monies so raised by any such sale shall not be equal to the money which might be borrowed or charged on such allotment as aforesaid, it shall be lawful for the proprietor, or the person hereinbefore authorized to direct a sale on behalf of the proprietor, part of whose allotment shall be sold as aforesaid, to charge his allotment with any sum not exceeding the difference.

**CXXXV.** That such sales shall be made by the valuer, with the approbation of the Commissioners, in the same manner and subject to the same regulations as are hereinafter prescribed in respect of the sale of part of the land subject to be inclosed towards defraying the expenses of the inclosure; and every part of an allotment for which the full purchase-money shall be paid shall be conveyed by the Commissioners, at the expense of the purchaser, as he shall appoint, and shall be inclosed and sold by such purchaser in severalty: Provided always, that nothing herein contained shall enable the Commissioners to convey any allotments set out by them as copyhold or customary as freehold, but such copyhold or customary allotments shall be held by the purchaser thereof by, under, and subject to the same rents, suits, and services as such allotment would have been held in case no such sale had been made.

CCXXXVI. That the receipt of the Commissioners shall be a sufficient discharge to the purchaser for the said purchase money; and such purchase money shall be applied by the Commissioners in or towards defraying the costs and expenses for raising which such sale shall have been made; and the surplus (if any) shall be paid to the parties from whose allotments such sale shall have been so made respectively; and the shares of such of them as shall be tenants in fee simple shall be paid to them respectively, and the shares of the other proprietors of such surplus money shall be applied and disposed of in manner hereinafter directed.

CCXXXVII. That when any money is, under the provisions of this Act, directed to be paid for the purchase of any timber or wood growing on any land which shall belong to any tenant for life or in tail, or to any feeoffee in trust, executor, or administrator, husband, guardian, committee, or trustee, for or on behalf of any infant, idiot, lunatic, feme covert, or cestuique trust, or to any persons whose lands are limited in strict or other settlement, or to any person under any other disability or incapacity whatsoever, or to any corporation, not being legally and equitably entitled to sell and dispose of such timber and wood, it shall be lawful for the valuer out of such money to defray the proportion (if any) of the inclosure expenses which shall be charged upon the land, or any land held under the same title, on which such timber or wood actually grew, and also, with the approbation of the Commissioners, to defray the expense of any permanent improvement, such as building, subdividing, dividing, draining, or planting, and the like, which shall in the judgment of the valuer be proper to be made, and shall be made, under his direction, upon any land to be under the powers of this Act allotted to such parties.

CCXXXVIII. That if the surplus of any such monies, or the surplus of any monies to arise from the sale of part of an allotment for raising money for expenses, where the same shall not be paid to the proprietors under the directions hereinbefore contained, shall amount to or exceed the sum of 200*l*. the same shall, with all convenient speed, unless the Commissioners shall otherwise direct, under the provisions hereinafter contained, be paid into the Bank of England in the name and with the privity of the Accountant General of the Court of Chancery, to be placed to his account there *ex parte* the Commissioners, pursuant to the method prescribed by an Act, 12 Geo. 1. c. 32, intituled 'An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and the Endorsements thereon, as likewise the Endorsements on South Sea Bonds,' and pursuant to the general rules and orders of the said Court, and without fee or reward, according to an Act, 12 Geo. 2. c. 24, intituled 'An Act to empower the High Court of Chancery to lay out upon proper Securities any Monies, not exceeding a sum therein limited, out of the common and general Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court'; and shall, when so paid in, there remain until the same shall, by order of the said Court, made upon a petition in a summary way by the parties who would have been entitled to the rents and profits of the said land, be applied to the following purposes or any of them; (that is to say,)

The redemption or discharge of the land tax or of any debt or other incumbrance affecting the same land, or affecting other lands standing settled therewith to the same or the like uses or trusts:

The purchase of other land, to be conveyed or settled upon the like uses or trusts, or such of them as shall be then existing undetermined or capable of taking effect.

CCXXXIX. That in the meantime and until such application shall be made the said money may, by order of the said Court, to be made upon the like petition, be invested by the said Accountant General in his name in the purchase of 3*l*. per cent. consolidated or 3*l*. per cent. reduced Bank annuities, or of Government securities; and the dividends or interest of such annuities or securities shall from time to time be paid, by order of the said Court, to the parties who would for the time being have been entitled to the rents and profits of the lands so to be purchased, conveyed, and settled.

CXL. That in case the surplus of any such monies as aforesaid shall be less than the sum of 200*l*., and shall exceed or amount to the sum of 20*l*., the same shall, at the option of the parties who for the time being would have been entitled to the rents and profits of the said land, or their guardians or committees, in case of infancy, idiocy, lunacy, or other incapacity, with the approbation of the Commissioners, to be signified in writing under their seal, be paid into the Bank of England in the name and with the privity of the said Accountant General of the Court of Chancery, and be placed to his account as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same may be paid, at the like option and with the like approbation, to two trustees, to be nominated by the said parties, who for the time being would have been entitled to the rents and profits of the said land as aforesaid, such nomination to be approved of by the Commissioners, and such nomination and approbation to be signified in writing under the hands (or common seal, as the case may be,) of the nominating parties, and under the seal of the Commissioners; and in any case in which such monies shall amount to or exceed the sum of 200*l*., the same, if the Commissioners shall so think fit and direct, shall in like manner be paid to trustees to be nominated and approved as aforesaid; and the money so paid to such trustees, and the dividends and produce arising therefrom, shall be by them applied in like manner as is hereinbefore directed with respect to money so to be paid into the Bank of England, but without obtaining or being required to obtain any order of the said Court touching the application thereof.

CXLI. That in case the surplus of any such monies as aforesaid shall be less than 20*l*. the same shall be paid to the parties for the time being entitled to the rents and profits of the said land, for their own use and benefit; or in case of infancy, idiocy, lunacy, or other incapacity, then such money shall be paid to their guardians, committees, or trustees, for the use and benefit of the parties respectively entitled thereto.

CXLII. Provided and enacted, That in case the valuer acting in the matter of any inclosure shall, under the instructions hereinbefore required in this behalf, proceed to raise all or any part of the expenses of the inclosure by sale of part of the land proposed to be inclosed, such valuer shall set out such parts of the land to be inclosed as he shall judge sufficient in value to defray the expenses aforesaid, and shall, from time to time as he shall find expedient, sell and dispose of the same by public auction or by private contract, with the approbation of the Commissioners; and the purchase monies to arise by such sale shall be paid into the hands of the Commissioners, or as they shall direct, and shall be by them applied in discharging the said expenses.

CXLIII. That upon every sale to be made by the valuer under the provisions of this Act the Commissioners shall sign and deliver to each purchaser a receipt for his purchase-money, which shall be a sufficient discharge for the same; and upon receipt of the whole purchase-money for any of the lands which shall be sold as aforesaid the Commissioners shall convey such lands, and the fee simple and inheritance thereof in possession, by conveyance under their hands and seal, to such uses and in such manner as such purchaser shall direct; and after such conveyance the premises conveyed shall be freehold of inheritance, and shall be held to the uses and in manner expressed by such conveyance; and any such conveyance may be to the effect set forth in the schedule to this Act, and shall be evidence of the regularity of the sale in pursuance of which such conveyance shall be made.

CXLIV. That all such purchase-moneys as shall be from time to time raised or received by the Commissioners by such respective sales as aforesaid shall, after payment of the charges and expenses attending such respective sales, be paid and applied by the Commissioners towards the expenses of the inclosure; and the respective purchasers or other persons paying the same shall not in any manner be liable to see to the application, or be answerable for any misapplication thereof.

CXLV. That the Commissioners, before authorizing or certifying the expediency of any inclosure, or determining any claim or matter, or approving any report or award, or in any other stage of the proceedings on any inclosure, or of the proceedings for subjecting any gated or stinted pasture to the provisions of this Act concerning regulated pastures, if they shall see occasion, may require notice to be given, in any such manner as they shall direct, to the person next in remainder, reversion, or expectancy of an estate of inheritance in any lands, or to any other person to whom they may think notice ought to be given, and may by themselves or by some Assistant Commissioner hear and determine any objection which may be made by the person so next in remainder, reversion, or expectancy.

CXLVI. That two copies of every confirmed award shall be made, and sealed with the seal of the said Commissioners, and one such copy shall be deposited with the clerk of the peace of the county in which the lands inclosed shall be situate, who is hereby required to deposit and keep the same among the records of the said county, so that recourse may be had thereto by any person interested in the premises, and the other copy shall be deposited with the church or chapel wardens for the time being of the parish in which the lands or the greater part thereof shall be situated, to be kept by them and their successors in office with the public books, writings, and papers of the parish, or shall be deposited with such other fit persons as the Commissioners shall approve; and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy, on giving reasonable notice to the person having custody of the same, and on payment of 2s. 6d. for such inspection, and after the rate of 3d. for every 72 words contained in such copy or extract; and all such copies of and extracts from any such copy of any confirmed award as shall be furnished by the clerk of the peace shall be signed by the said clerk of the peace or his deputy, purporting the same to be a true copy; and every such copy and extract so signed, shall be received in evidence without further proof thereof; and every recital or statement in such confirmed award or any sealed copy thereof shall be deemed satisfactory evidence of the matters therein recited or stated.

CXLVII. That it shall be lawful for the Commissioners, upon the application in writing of the persons interested, according to the definition hereinbefore contained, in lands not subject to be inclosed under this Act, or in lands subject to be inclosed under this Act as to which no proceedings for an inclosure shall be pending, and who shall desire to effect an exchange of lands in which they respectively shall be so interested, to direct inquiries whether such proposed exchange would be beneficial to the owners of such respective lands; and in case the Commissioners shall be of opinion that such exchange would be beneficial, and that the terms of the proposed exchange are just and reasonable, they shall, unless notice of dissent to the proposed exchange shall be given, under the provision hereinafter contained, cause to be framed, and confirmed under the hands and seal of the Commissioners, an order of exchange, with a map or plan thereunto annexed, in which order shall be specified and shewn the lands given and taken in exchange by each person so interested respectively; and a copy of such order, under the seal of the Commissioners, shall be delivered to each of the parties on whose application the exchange shall have been made; and such order of exchange shall be good, valid, and effectual in the law to all intents and purposes whatsoever and shall be in nowise liable to be impeached by reason of any infirmity of estate or defect of title of the persons on whose application the same shall have been made; and the land taken upon every such exchange shall be and enure to, for and upon the same uses, trusts, intents, and purposes, and subject to the same conditions, charges, and incumbrances, as the lands given on such exchange would have stood limited or been subject to in case such order had not been made; and all expenses with reference to such order and exchange, or the inquiries in relation thereto, or to any proposed exchange, shall be borne by the persons on whose application such order shall have been made or such inquiries undertaken: Provided always, that no exchange shall be made of any land held in right of any church or chapel or other ecclesiastical benefice, without the consent, testified in writing, of the bishop of the diocese and the patron of such benefice.

CXLVIII. That it shall be lawful for the Commissioners, upon the application in writing of any number of persons who shall be separately interested in parcels of land not subject to be inclosed under this Act, or of land subject to be inclosed under this Act as to which no proceedings for an inclosure shall be pending, so intermixed or divided into parcels of inconvenient form or quantity that the same cannot be cultivated or occupied to the best advantage, but forming together a tract which may be divided into convenient parcels, and who shall desire to have the whole of such tract divided into convenient parcels, to be allotted in lieu of the old parcels, to direct an inquiry whether such proposed division and allotment would be beneficial to the owners of such lands; and in case the Commissioners shall be of opinion that the proposed division and allotment would be beneficial, they shall, unless notice of dissent from the proposed division and allotment shall be given, under the provisions hereinafter contained, cause to be framed an order for the division or allotment thereof accordingly, with a map or plan thereunto annexed, in which shall be specified, as well the parcels which the several persons on whose applications such order shall have been made were respectively interested in before such division and allotment, as the several parcels allotted them respectively by such order, and such order shall be confirmed under the hands and seal of the Commissioners; and a copy of such order, sealed with the seal of the Commissioners, shall be delivered to each of the parties on whose application division and allotment shall have been made; and such order of division shall be good in the law to all intents and pur-

poses whatsoever, and shall in nowise be liable to be impeached by reason of any infirmity of estate or defect of title of the persons on whose application the same shall have been made; and the parcels of land taken by the persons interested under such division shall be and enure to, for, and upon the same uses, trusts, intents, and purposes, and subject to the same conditions, charges, and incumbrances, as the several lands which the persons taking the same shall have relinquished or lost on such division would have stood limited to, for, or upon, or been subject to, in case such order had not been made; and all expenses with reference to any such order, division, and allotment, or the inquiries in relation thereto, or to any proposed division or allotment, shall be borne by the persons on whose application such order shall have been made or such inquiries undertaken.

CXLIX. That where, under the powers of any inclosure Act, any allotment shall have been made in trust for the poor inhabitants of any parish, or of any class of such poor inhabitants, or in trust to be leased, used, or enjoyed to or by or upon any other trusts for the benefit of such poor inhabitants, or for the purposes of exercise and recreation, or for any other public or parochial purpose, and it shall appear to the Commissioners that such allotment, by reason of its distance from the dwellings of such poor inhabitants, or from the nature or quality of the soil, or otherwise, shall not be convenient or suitable for the purposes for which the same shall have been made, it shall be lawful for the Commissioners, upon the application in writing of the churchwardens and overseers of the poor of the parish in which such allotment shall be situate, or of the trustees for the time being of such allotment, and of the person interested in land more convenient or suitable for the purposes for which such allotment shall have been made, and who may be willing to give such land in exchange for such allotment, in case the Commissioners shall be of opinion that such exchange would be beneficial to the poor inhabitants or other persons for whose benefit or more suitable to the purposes for which such allotment was made, to cause to be framed and to confirm an order of exchange of such allotment for such other land as aforesaid; and the provisions herein contained concerning exchanges shall apply to such allotment as if such churchwardens and overseers or trustees respectively were the persons interested in such allotment.

CL. Provided and enacted, That no such order of exchange or order of division and allotment as aforesaid shall be confirmed by the Commissioners until notice shall have been given by advertisement in three successive weeks of such proposed exchange or division and allotment, and three calendar months shall have elapsed from the publication of the last of such advertisements; and in case before the expiration of such three calendar months any person entitled to any estate in or to any charge upon any land included in such proposed exchange or division and allotment shall give notice in writing to the Commissioners of his dissent from such proposed exchange or division and allotment, as the case may be, the Commissioners shall not confirm an order for such exchange or such division or allotment, unless such dissent shall be withdrawn, or it shall be shewn to the Commissioners that the estate or charge of the party so dissenting shall have ceased.

CLI. That if any difference shall arise touching the said expenses in relation to any exchange, division, allotment, orders, or inquiries as aforesaid, or the share thereof to be paid by any person, it shall be lawful for the Commissioners to certify under their hands and seal the amount to be paid by such person; and in case any person shall neglect or refuse to pay his share so certified to be payable by him, and upon the production of such certificate before any two Justices of the Peace for the county or other jurisdiction wherein the land shall be situate, such Justices, upon the nonpayment thereof are hereby required, by warrant under their hands and seals, to cause the same to be levied by distress.

CLII. That where any award already made and executed, or hereafter to be made and executed, in pursuance of any local Act of inclosure, or in pursuance of an Act, 6 & 7 Will. 4. c. 115, intituled 'An Act for facilitating the Inclosure of Open and Arable Fields in England and Wales,' shall not have duly distinguished the several tenures of all the lands thereby awarded or allotted, or of any other lands of which the tenure ought to have been distinguished in or by such award, or the different estates or titles for or under which any lands therein mentioned should be held, or shall not have duly distinguished the lands which after such award should remain subject to all or any tithes, and the lands which should be discharged from all or any tithes, or where by any such award an aggregate allotment shall have been set out and awarded in any case in which several and distinct allotments ought to have been set out and awarded, in every such case, and in every other case in which it shall appear to the Commissioners that inconvenience shall have arisen from inaccuracy, confusion, or omission in any such award, it shall be lawful for the Commissioners, upon the application in writing of any person interested in the lands to which such award may relate, or of any person prejudiced by the inaccuracy, confusion, or omission in such award, to make such inquiries and take such evidence, by themselves or by an Assistant Commissioner, as they shall think fit, and by an order under their hands and seal to amend such award, and to distinguish the several tenures of the lands thereby allotted and awarded, and the different estates or titles for or under which the same should be held, and to distinguish the lands which should be discharged from all or any tithes, and the lands which should remain subject to all or any tithes, and to subdivide aggregate allotments into separate allotments, and to distinguish the tenures or titles thereof, or the lands or rights in respect of which they were respectively made, and generally to make or give such declarations or directions as may appear necessary to supply any omission and rectify any inaccuracy or confusion in such award; and such order of the Commissioners shall have the same force and effect as if the allotments, directions, and declarations therein contained had been duly made and contained in the original award, in addition, or, as the case may require, in substitution for the parts thereof to which such amendments may relate; and all expenses with reference to such order as last aforesaid, and of and consequent upon all inquiries in relation thereto, or to any proposed amendment of any such award, shall be borne by the persons on whose application such order shall be made or such inquiries undertaken.

CLIII. That where under any local Act of inclosure the powers and authorities originally vested in the Commissioner or Commissioners acting under any such local Act, or any such power or authority, shall not have been fully executed according to the intent of such local Act, and shall have been lost or become incapable of being executed by reason of the neglect or omission to execute the same, or to take some proceeding necessary to the due execution thereof within the time limited in that behalf by such local Act, or from any other cause whatsoever, it shall be lawful for the Inclosure Commissioners for England and Wales, by any order under their hands and seal, to authorize the Commissioner or Commissioners appointed by or acting under the authority of such local Act to execute and to carry into effect the powers and authorities originally vested



in such last-mentioned Commissioner or Commissioners, or in any previous Commissioner or Commissioners under such local Act, in the same manner as if such powers and authorities had not been lost or become incapable of being executed, or as near thereto as lapse of time and other circumstances may permit, and subject to such conditions and restrictions as the justice of the case may appear to require, and in and by such order to direct any act or proceeding to be done or taken in substitution for any act or proceeding which shall have been required or directed by such local Act, and which shall have become incapable of being done or taken by lapse of time or other circumstances; and all proceedings, adjudications, orders, directions, and acts taken, made, and done by the Commissioner or Commissioners under any local Act, in pursuance of any such order as aforesaid of the Inclosure Commissioners for England and Wales, shall have the same force and effect as if the same had been duly authorized by such local Act; and the expenses of such order, and of the inquiries in relation thereto, shall be paid by the Commissioner or Commissioners acting under such local Act, and shall be deemed expenses under the inclosure by such local Act authorized.

CLIV. That where the powers and authorities of any local Act of inclosure shall not have been fully executed and performed, whether the same shall or shall not have been lost or have become incapable of being executed from lapse of time or otherwise, and there shall be no Commissioner acting under such local inclosure Act, or in case from any other cause any of the persons interested in the land to which such local Act shall relate shall be desirous that the powers and authorities of such Act should be executed, and the proceedings thereunder completed under the direction of the Inclosure Commissioners for England and Wales, it shall be lawful for the said Commissioners, by order under their hands and seal, upon the application in writing of the major part in value of the persons interested in the lands subject to be inclosed under such local Act, to appoint any person to execute the powers or authorities of such local Act, in the place of the Commissioner or Commissioners by such Act appointed or authorized to be appointed, and to complete the proceedings under the same; and it shall be lawful for the said Inclosure Commissioners for England and Wales, by such order as aforesaid, or by any supplemental or other order, to authorize the person so appointed to execute and to carry into effect any powers or authorities originally vested in any Commissioner or Commissioners under such local Act, and which may have been lost or become incapable of being executed, and to give such other directions in relation thereto as under the provision hereinbefore contained might have been given to the Commissioner or Commissioners appointed by or acting under a local Act; and the person so appointed by the Commissioners shall and may complete the proceedings under such local Act, and make an award therein, and shall have such and the like powers and authorities in all respects as the Commissioner or Commissioners originally appointed by or acting under such local Act would have had if he or they had continued to act; and it shall be lawful for the Inclosure Commissioners for England and Wales, by order under their hands and seal, to remove any person so appointed, and upon such removal, or in case any person so appointed shall die, or desire to be discharged from his office, before the proceedings in such inclosure shall be completed, from time to time to appoint any other person in his stead, with all such powers and authorities as aforesaid; and the expenses of such orders of the Commissioners, and of all proceedings in relation thereto, shall be expenses in the inclosure, and raised in the same manner as other expenses may by such local Act be authorized to be raised.

CLV. Provided and enacted, That the Commissioners shall not in any case proceed to amend any award under any local Act of inclosure, or under the said Act, 6 & 7 Will. 4. c. 115, or to authorize the execution of any power or authority under any such local Act which shall have been lost or become incapable of being executed as aforesaid, or to authorize any person to be by them appointed as aforesaid to execute the powers or authorities of any local Act in the place of the Commissioner or Commissioners appointed under such local Act, until notice of the application to the Commissioners to amend such award, or to authorize the execution of such powers or authorities, or to authorize any person to be by them appointed as aforesaid, shall have been given by advertisement in four successive weeks; and in case within two calendar months after the publication of the last of such advertisements one fourth part in number or value of the persons interested, according to the definitions hereinbefore contained, in the land to which the award so proposed to be amended, or the part thereof proposed to be amended, shall relate, or in the land to be affected by the exercise of such powers or authorities, shall give notice in writing to the Commissioners of their dissent from such application, the Commissioners shall not proceed further on such application.

CLVI. Provided, that in every case in which dealings shall have been had with such land, or some part thereof, on the faith of the inaccuracy, confusion, or omission which it shall be proposed to rectify or supply, or on the faith of such powers or authorities having been lost or become incapable of being executed, or on the faith of the powers or authorities of such local Act not being executed under the powers of such local Act, or the actual possession of the land, or the receipt of the rents and profits of the land, to which the award so proposed to be amended, or the part thereof proposed to be amended, shall relate, or, as the case may be, the possession of the land, or the receipt of the rents and profits of the land, to be affected by the exercise of such powers or authorities, would be altered by the proposed amendment of the award, or by the exercise of such powers or authorities as aforesaid, the Commissioners shall not proceed on such application, so far as respects the land with which such dealings may have been had, or of which the possession or the receipt of rents and profits would be altered as aforesaid, without the consent of the persons interested in such last-mentioned land, nor shall the Commissioners proceed in any case upon such application, so far as respects such last-mentioned land, in case within two calendar months after the publication of the last of such advertisements as aforesaid any person entitled to any estate in or to any charge upon such last-mentioned land shall give notice in writing to the Commissioners of his dissent from such application.

CLVII. That where by any award or agreement expressed to be made under the authority of the said Act, 6 & 7 Will. 4. c. 115, intituled 'An Act for facilitating the Inclosure of Open and Arable Fields in England and Wales,' any moors, commons, or waste lands, or other lands not subject to be inclosed under the provisions of such last-mentioned Act, shall have been inclosed or apportioned and allotted, and the lands so inclosed or apportioned and allotted shall be within the definition of lands subject to be inclosed under this Act, it shall be lawful for the Commissioners, upon the application of any persons interested in any land so inclosed or apportioned and allotted, to make such inquiries in relation to such award or agreement as the Commissioners shall think fit; and if it shall appear to the Commissioners that the rights and interests of all parties interested in the lands expressed to be inclosed or apportioned and allotted by such award or



agreement shall have been duly provided for and compensated thereby, or might be duly provided for and compensated thereby if such award or agreement were confirmed, or amended and confirmed, as hereinafter mentioned, it shall be lawful for the Commissioners, by any order under their hands and seal, to confirm such award or agreement, or to amend the same, as the justice of the case and the rights and interests of the parties may appear to the Commissioners to require, and to confirm the same, with the amendments specified in such order, as the Commissioners shall think fit; and every award and agreement so confirmed shall, with the amendments, if any, which shall have been made by such order, have the same force and effect as a final award under the authority of this Act; and all expenses with reference to such order as last aforesaid, and of all inquiries in relation thereto, or to any proposed confirmation of any such award or agreement, shall be borne by the persons interested in the lands by such award or agreement inclosed or apportioned and allotted, in such proportions as the Commissioners shall direct: Provided always, that the Commissioners shall not confirm any such award or agreement, or proceed to make any inquiries in relation thereto, unless it shall be made to appear to the Commissioners that the persons making the application for a confirmation of such award or agreement represent at least one-third in value of the interests in such lands.

CLVIII. That where, under any local Act of inclosure, or under any award made under the authority of any local Act of inclosure, provision shall have been made for the election, from among persons having certain qualifications in respect of property or otherwise, of a number of trustees or other functionaries for making or maintaining works on the lands inclosed, or for any other local functions, and it shall appear to the Commissioners that by reason of alterations in the state of property or otherwise persons cannot be found according to the qualifications required by such local Act of inclosure to fill up the number of trustees or other functionaries required by such local Act, it shall be lawful for the Commissioners, after such inquiries as they shall think fit, upon the request and at the expense of any persons interested in the works to be made or maintained, or in the functions to be performed by such trustees or functionaries, by order under the seal of the Commissioners to declare that any such lesser number, in such order to be mentioned, of trustees or other functionaries, may be from time to time elected for the purposes or be competent to exercise and perform the powers and functions in such local Act of inclosure required or authorized to be exercised by the number of trustees or other functionaries directed to be elected by such local Act, and such lesser number shall be from time to time elected, and shall be competent to exercise and perform such powers and functions accordingly.

CLIX. That penalties and forfeitures imposed by this Act, or which shall be imposed by the Commissioners or Assistant Commissioner acting in the matter of any inclosure or other proceeding under or by virtue of the authority of this Act, shall be levied and recovered before any two Justices of the Peace for the county in which the land subject to be inclosed, or to which such other proceeding shall relate, shall be situate, and not interested in the matter in question, for which purpose it shall be lawful for any such Justices of the Peace, upon complaint made to them, to summon the party accused and the witnesses on both sides, and upon the appearance or contempt of the party accused to examine such witnesses upon oath (which oath such Justices are hereby empowered to administer), and upon such evidence to give judgment accordingly, and to condemn the party accused (proof of the accusation being made by one or more witness or witnesses as aforesaid) in such penalties and forfeitures as the offender shall have incurred, and to levy such penalties and forfeitures by distress, together with reasonable costs; all which penalties and forfeitures the application whereof is not particularly directed by this Act shall, and so soon as the same shall be levied, be paid and applied to and for such uses, intents, or purposes as the Commissioners in and by any writing under their hands and seal shall order, direct, or appoint.

CLX. That when in this Act any sum of money, whether in the nature of penalty or otherwise, shall be directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the surplus monies arising from such sale, after satisfying such sum of money, and the costs and expenses attending the distress and sale, shall on demand, be rendered to the party whose goods and chattels shall have been distrained.

CLXI. That no distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the warrant of distress or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

CLXII. That all notices by this Act directed to be given by advertisement shall be given by an advertisement to be inserted in some newspaper or newspapers printed or usually circulated in the county in which the land subject to be inclosed, or other land to which such notice shall relate, shall be situate; and all notices directed to be given on the church door shall be by writing under the hand of the party giving such notice, to be affixed on the principal outer door of the church of every parish and ecclesiastical district in which the land subject to be inclosed, or other land to which such notice shall relate, or any part thereof, shall be situate, on Sunday before divine service, or where in any such parish or ecclesiastical district there shall be no church, then to be affixed in some conspicuous place of such parish or ecclesiastical district on Sunday before ten of the clock in the forenoon; and all notices necessary to be given by the Commissioners or any Assistant Commissioner or valuer acting in the matter of any inclosure (the mode of giving which is not hereby particularly directed) shall be by either or both of the methods aforesaid, as the Commissioners or Assistant Commissioner or valuer respectively shall think fit; and all notices so given shall be deemed sufficient notices to all persons concerning all matters and things to which such respective notices shall relate.

CLXIII. That no advertisement inserted by direction of the Commissioners or any Assistant Commissioner acting in the matter of any inclosure in the *London Gazette* or in any newspaper for the purpose of carrying into effect any provision of this Act, and no agreement, award, bond, or power of attorney made or confirmed or used under this Act, shall be chargeable with any stamp duty.

CLXIV. That if any person under the provisions of this Act shall wilfully give false evidence, or shall make or subscribe a false declaration for the purposes of this Act, or shall wilfully refuse to attend in obedience to any lawful summons of the

Commissioners or an Assistant Commissioner or valuer, or to give evidence, or shall wilfully alter, withhold, destroy, or refuse to produce any book, court roll, or writing, map, plan, or survey, or any copy of the same, which may be lawfully required to be produced before the Commissioners or Assistant Commissioner or valuer, he shall be deemed guilty of a misdemeanour.

CLXV. That no action or suit shall be commenced against any Commissioners, Assistant Commissioner, Justice of the Peace, valuer, or other person, for any thing done under the authority of this Act, until two calendar months' notice thereof shall have been given in writing to the party against whom such action or suit is intended to be brought, or after sufficient satisfaction or tender of amends shall have been made to any party aggrieved, or after twelve calendar months shall have expired from the commission of the act for which such action or suit shall be so brought, or in case there shall be a continuance of damages then within twelve calendar months next after the doing or committing of such damage shall have ceased; and every such action shall be brought, laid, and tried in the county or place where the cause of action shall have arisen, and not in any other county or place; and if it shall appear that such notice of action or suit was brought before two calendar months notice thereof given as aforesaid, or that sufficient amends were made or tendered as aforesaid, or if any such action or suit shall not be commenced within the time before limited in that behalf, or such action shall be laid in any county or place other than as aforesaid, then the jury shall find a verdict for the defendant therein, or the Court, upon summary application by motion in any such suit, may dismiss the same against such defendant; and if a verdict shall be found for such defendant, or such suit shall be dismissed upon application as aforesaid, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if upon any demurrer in such action or suit judgment shall be given for the defendant therein, then such defendant shall have costs, charges, and expenses as between attorney and client.

CLXVI. That no order, adjudication, or proceeding made or had by or before the Commissioners or any Assistant Commissioner under the authority of this Act, except as hereinbefore provided, or any proceeding to be had touching any offender against this Act, shall be quashed for want of form, or be removed or removable by certiorari or any other writ or process into any of Her Majesty's courts of record at Westminster or elsewhere.

CLXVII. That in the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the word "person" shall mean and include the Queen's Majesty, and any body corporate, aggregate or sole, as well as an individual; any word importing the singular number only shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; any word importing the masculine gender only shall mean and include a female as well as a male; the word "inclosure" shall extend to and include division or allotment; the word "inclose" and its conjugates shall include the meaning also of the words "divide" and "allot" and their respective conjugates; and the words "local Act of inclosure" shall extend to and include any local Act of which inclosure, division, or allotment of lands shall have been one of the objects or purposes; the word "manor" shall extend to and include any hundred, honour, or lordship; the word "land" shall mean and include all messuages, lands, and corporeal tenements and hereditaments; the word "county" shall include any riding or other like division of a county, and any liberty, city, or place having a separate commission of the peace; the word "parish" shall include any township or vill or hamlet having separate overseers of the poor, or extra-parochial district or place; the word "church" shall mean and include any chapel where there is no church; the word "schoolhouse" shall mean any parochial or charitable schoolhouse; the words "the Commissioners" shall mean the Inclosure Commissioners for England and Wales; and the words "Assistant Commissioner" shall mean the Assistant Commissioner appointed by the Inclosure Commissioners.

CLXVIII. That this Act shall extend only to England and Wales.

CLXIX. That this Act may be amended or repealed by any Act to be passed in this present Session.

#### THE SCHEDULE to which this Act refers.

##### *Form of Conveyance by Commissioners.*

In the matter of the

Inclosure.

We the Inclosure Commissioners for England and Wales, by virtue of an Act of Parliament passed in the Year of the Reign of Queen Victoria, intituled [*here insert the title of this Act*], and in consideration of the Sum of paid into our Hands by being the Purchase-money of the Hereditaments hereinafter described, do by these presents convey unto his heirs and assigns, all that [*here describe the Premises*], with the Appurtenances, to hold the same unto the said his heirs and assigns [*here state the Uses, Trusts, or Purposes of the Conveyance, as the Case may require*]. In witness whereof we have hereunto affixed our Seal, this Day of .

##### *Form of Summons.*

To

of

in the County of

Field Reeve of

Esquire, One of Her Majesty's Justices of the Peace in and for the said County of } I do hereby summon you personally to be and appear before such Two of Her Majesty's Justices of the Peace as shall be present at in the said County on the Day of next, at the Hour of in the noon of the same Day, to answer the Complaint of A. B. that [he is refused reasonable Compensation for Diminution of his Right of Pasture in the regulated Pasture in ], or [that the said A. B. is charged with an excessive Payment for Increase of his Right of Pasture in the regulated Pasture of ], otherwise the Complaint will be proceeded with as if you had appeared. Given under my Hand and Seal, this Day of in the Year .

**Form of Order.**

to wit. } The Order of \_\_\_\_\_ and \_\_\_\_\_ Esquires, Two of Her Majesty's Justices  
the \_\_\_\_\_ of the Peace in and for the said County, made at \_\_\_\_\_ in the said County of \_\_\_\_\_  
Day of \_\_\_\_\_ in the Year \_\_\_\_\_

WHEREAS Complaint hath been made to us by *A. B.* for that he [*state the Complaint as in the Summons*];  
we do declare that [the yearly Sum of \_\_\_\_\_ is a reasonable Compensation for the Diminution of the Right  
of Pasture of the said *A. B.*] or [the yearly Sum of \_\_\_\_\_ is a reasonable Payment for Increase of the Right of  
Pasture of the said *A. B.*], and do order that such yearly Sum be paid, according to the Directions of the Statute in that  
Behalf. Given under our Hands and Seals, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_

CAP. CXIX.

**AN ACT to facilitate the Conveyance of Real Property.**

(8th August 1845.)

[See Appendix, p. xvii.]

**CAP. CXX.**

AN ACT for facilitating Execution of the Treaties with *France* and the United States of *America* for  
the Apprehension of certain Offenders.

(8th August 1845.)

### ABSTRACT OF THE ENACTMENTS.

1. *Any Metropolitan Police Magistrate to whom it shall have been signified that a requisition has been made to deliver up any person pursuant to the said convention or treaty, may issue his warrant for the apprehension of such person in any part of England.*
2. *Such person when apprehended to be brought before a Police Magistrate, who may order his committal.*
3. *Act to be construed with recited Acts.*
4. *Alteration of Act.*

**By this ACT,**

After reciting the passing of 6 & 7 Vict. c. 75, and 6 & 7 Vict. c. 76, and that it is expedient to make provision for giving more immediate effect to the warrant of any one of Her Majesty's principal Secretaries of State for the better execution of the said convention and treaty respectively :—

**It is Enacted.**

1. That any Police Magistrate of the metropolis to whom any one of Her Majesty's Principal Secretaries of State shall have signified, by warrant under his hand and seal, that requisition has been made, pursuant to the said convention or treaty respectively, to deliver up to justice, in terms of the said convention or treaty, as the case may be, any person accused of any crime rendering him liable to be so delivered up under either of the recited Acts, shall, upon such evidence as according to the laws of England would justify the apprehension of the person so accused if the crime of which he is accused had been committed in England within the jurisdiction of such magistrate, issue his warrant for the apprehension of such person, in the form annexed to this Act, or to the like effect; and such warrant may be executed in any part of England, and shall have the same force and effect throughout England as if the same had been originally issued or subsequently indorsed by a Justice of the Peace or magistrate having jurisdiction in the place where the same shall be executed, and may be lawfully executed anywhere within England by the constable or constables to whom the same shall be directed, or who shall be appointed to execute the same, who shall severally have all the powers and privileges for the execution of such warrant as any constable duly appointed hath or may have within his constableness.

11. That every person who shall be apprehended under any such warrant shall be brought with all convenient speed before the magistrate by whom such warrant shall have been issued, or some other magistrate of the same police court, and that such magistrate may cause the warrant of committal of such person to be drawn up according to the form given in the Schedule annexed to this Act, or to the like effect, which shall be good and sufficient in law to warrant the persons to whom the same shall be directed to detain such person in custody, as directed in the said warrant, until delivered pursuant to the Act under which he shall have been apprehended.

III. That this Act shall be construed with each of the said Acts separately, and as if this Act had been enacted in each of the said Acts.

**iv. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.**

## SCHEDULE to which this Act refers.

*Warrant of Apprehension.*

Metropolitan Police District, } To all and each of the Constables of the Metropolitan Police Force.  
to wit.

WHEREAS the Right Honourable One of Her Majesty's Principal Secretaries of State, by Warrant under his Hand and Seal, hath signified to me, that pursuant to the [Convention made between Her Majesty and the King of the French in the Year One thousand eight hundred and forty-three, or the Treaty made between Her Majesty and the United States of America in the Year One thousand eight hundred and forty-two, as the Case may be], for the Apprehension of certain Offenders, Requisition hath been duly made to him for delivering up to Justice *A. B.*, late of who is charged with having committed the Crime of [*here specify the Offence*], within the Jurisdiction of [His Majesty the King of the French, or the United States of America, as the Case may be]:

This is therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A. B.*, pursuant to an Act passed in the Ninth Year of the Reign of Her Majesty, intituled [*here insert the Title of this Act*], wherever he may be found in England, and bring him before me, or some other Magistrate sitting in this Court, to answer unto the said Charge, for which this shall be your Warrant.

Given under my Hand and Seal at One of the Police Courts of the Metropolis, this  
Day of in the Year of our Lord  
J. P. (L.S.)

*Warrant of Committal.*

Metropolitan Police District, } To *A. B.*, One of the Constables of the Metropolitan Police Force, and to the Keeper  
to wit. } of the at

BE it remembered, That on the Day of in the Year of our Lord  
*A. B.*, late of is brought before me, *J. P.*, One of the Police Magistrates of the Metropolies, sitting at the Police Court in within the Metropolitan Police District, and is charged before me, for that he the said *A. B.*, on the Day of at within the Jurisdiction of [His Majesty the King of the French, or the United States of America, as the Case may be], did [*here state the Offence*]: And forasmuch as it hath been shewn to me, upon such Evidence as by Law is sufficient to justify the Committal to Gaol of the said *A. B.*, pursuant to an Act passed in the Seventh Year of the Reign of Queen Victoria, intituled [*here insert the Title of the Sixth and Seventh Victoria, Chapter Seventy-five, or Sixth and Seventh Victoria, Chapter Seventy-six, as the Case may require*], that the said *A. B.* is guilty of the said Offence:

This is therefore to command you the said Constable in Her Majesty's Name forthwith to convey and deliver the Body of the said *A. B.* into the Custody of the said Keeper of the at ; and you the said Keeper to receive the said *A. B.* into your custody in the same and him there safely to keep until he shall be thence delivered pursuant to the Provisions of the said Act; for which this shall be your Warrant.

Given under my Hand and Seal at One of the Police Courts of the Metropolis, this  
Day of in the Year of our Lord  
J. P. (L.S.)

## CAP. CXXI.

AN ACT to amend and explain certain Provisions of an Act of the Third and Fourth Years of Her present Majesty, for annexing certain Parts of certain Counties of Cities to adjoining Counties, for making further Provision for Compensation of Officers in Boroughs, for limiting the Borough Rate, and for continuing an Act to restrain the Alienation of Corporate Property in *Ireland*.

(8th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *All that part of the old county of the town of Drogheda situate on the south side of the River Boyne, and not included within the boundaries of the present borough of Drogheda, shall be annexed to the county of Meath.*

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2. *Such district to continue liable to its proportion of the debt due by the old county of the town of Drogheda.*
3. *The contribution payable by the whole precinct severed from Drogheda towards the old debts of Drogheda to be apportioned on the two districts of which the said precinct consists in the counties of Louth and Meath.—The proportions to be levied and paid over, &c. in like manner as the whole contribution was levied and paid.*
4. *The treasurer of the county of Louth shall furnish to the treasurer of the county of Meath a statement of certain arrears and credits.*
5. *Such district not to be liable for preceding debts or instalments due by the county of Meath.*
6. *Provision for fixing the proportion in which the barony to which such addition shall be made is to be assessed to grand jury cess.*
7. *Grand jury with the approval of Judge, to adjust the proportions of grand jury cess.—Proportions and valuations to be entered in county books.—Provision for valuation under the 6 & 7 Will. 4. c. 84.*
8. *A district taken from the county of Louth, and annexed to Drogheda, under the corporation Acts, shall be exempted and exonerated from the former debts due by Drogheda.*
9. *Court of conscience, Drogheda, to have jurisdiction to extent of 40s.*
10. *The acts of the Justices of the Peace for the county of Kilkenny heretofore done relating to the district herein mentioned shall be as valid as if the same had been part of the county of Kilkenny.*
11. *Alteration of Act.*

By this Act,

After reciting the passing of 3 & 4 Vict. c. 103, and 3 & 4 Vict. c. 109, and that under the provisions of the said recited Acts certain parts or portions of the old county of the town of Drogheda and of the ancient liberties thereof, and certain parts of parishes or other denominations, are not included within the boundaries of the county of the town of Drogheda as defined under the said recited Acts, and have, for the purpose of grand jury presentments, and of criminal jurisdiction, and also of civil jurisdiction of the superior courts of common law in Dublin, become severally part of the county of Louth: And that of the said portion of the old county of the town of Drogheda not included in the boundaries of the present county of the town of Drogheda as defined under the said-recited Acts a certain part or district is situate on the south side of the River Boyne, and has under the said-recited Acts become part of the county of Louth, but lies wholly detached from the rest of the said county of Louth, from which it is separated by the River Boyne and by the present county of the town of Drogheda, and such part or district is immediately adjacent to the county of Meath; and it is therefore expedient that the said part or district should be disannexed from the county of Louth, and should be annexed to the county of Meath;—

It is Enacted,

1. That all such part or district of the old county of the town of Drogheda not included within the boundaries of the borough and the county of the town of Drogheda as defined under the said recited Acts as is situate on the south side of the river Boyne shall for all purposes of grand jury presentments, and of criminal jurisdiction, and also of civil jurisdiction of the superior courts of common law in Dublin, and to all intents and purposes, be part of the county of Meath, and shall be and be deemed and taken to be part of and annexed to the barony of Lower Duleek in the said county of Meath: Provided always, that nothing in this Act contained shall alter or affect the said county of the town or borough of Drogheda, or the boundaries thereof, for any purposes of Parliamentary representation, or for any purpose relating thereto; and where it is or shall be necessary for any purpose of such representation to describe any residence or premises or place, in any oath, affidavit, or document, or otherwise, as within the county of the town of Drogheda, such residence, premises or place (if situate within such district hereby annexed to the county of Meath) may be described as within the parliamentary boundaries of the said county of the town of Drogheda.

11. Provided and enacted, That nothing herein contained shall extend to alter or affect, save as hereinafter mentioned, the liability, if any, of such place or district hereby annexed to the said county of Meath, to contribute to the payment of any debt or debts due by the county of the town of Drogheda to Her Majesty's Exchequer, or any instalments or annuity in respect of the same, or any instalments or sums under any presentment heretofore made by the grand jury of the county of the town of Drogheda to which respectively, or to a proportion of which, such place or district may have been liable to contribute before the passing of this Act, or to alter or affect any liability of such place or district under any award of any barrister acting under the provisions of an Act, 6 & 7 Vict. c. 32, intituled 'An Act to amend the Laws in force relating to Grand Jury Presentments in Counties of Cities and Counties of Towns in Ireland,' or under a certain other Act, 6 & 7 Vict. c. 71, intituled 'An Act to make further Provision in respect of Grand Jury Presentments in Counties of Cities and Counties of Towns in Ireland,' but that the liability of such place or district to contribute in respect of any of the foregoing matters shall remain in all respects the same as before the passing of this Act, save as hereinafter mentioned.

And after reciting that the portion or precinct of the old county of the town of Drogheda not included in the boundaries of the present county of the said town is now liable, under the provisions of the said two last-recited Acts, to pay a contribution to certain debts of the old county of the said town, as in the said Acts mentioned, and the same consists of two parts or districts, one whereof is and will continue to be situated in the county of Louth, and the other part or district is by virtue of this Act annexed to the county of Meath, and it will be necessary to ascertain the proportions in which the said two districts shall be liable to their joint contribution to the payment of any such debt or debts as aforesaid due by the old county of the town of Drogheda;—

It is Enacted,

111. That it shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland to direct and order the Commissioner of valuation appointed under the Acts for the uniform valuation of lands and tenements in Ireland to ascertain and report, and such Commissioner of valuation shall thereupon ascertain and report, the respective proportion in

which the said two districts so severed from the old county of the town of Drogheda shall pay their respective share of the contribution to be made by such two districts to the payments of such debts as aforesaid due by the old county of the town of Drogheda, and of such instalments, annuity, or sums payable in respect of the same by such two districts before the passing of this Act, and the said Commissioner shall transmit such his report to the respective treasurers of the counties of Louth and Meath, specifying such proportions, which thenceforth shall be deemed and taken to be the proportions in which the said district situate in the county of Louth and the said district hereby annexed to the county of Meath shall pay their respective shares of such contribution to such sums and payments as aforesaid; and such respective proportion of such contribution, and of such debts, instalments, annuity, sums, or interest as aforesaid, shall be presented from time to time by the respective grand jury of the county of Louth or Meath, as the case may be, to which such district shall be annexed, or, as the case may be, shall be apportioned, raised, and levied on and off such respective district as if the same had been duly presented by warrant of the respective treasurer of the county whereunto each such district is or shall be annexed, and paid over and disposed of in such and the like manner respectively, and subject to the like provisions, as in the said two last-recited Acts respectively contained and provided in relation to any such payments or contribution as aforesaid, as far as the same are applicable, and not inconsistent with this enactment.

And after reciting that certain arrears may be due and unpaid by some persons in the said district hereby annexed to the county of Meath in respect to such sums heretofore respectively payable under the provisions of the said two last-recited Acts or other Acts relating to grand jury rates or cesses: And that also certain persons in the said district are entitled, under the provisions of the last-recited Act, to certain credits in respect to sums heretofore paid by them;—

It is Enacted,

iv. That the treasurer of the county of Louth shall furnish to the treasurer of the county of Meath a written statement under his hand of all such arrears due as aforesaid by or credits as aforesaid which may be justly claimed by any person or persons, in respect of any lands or tenements situate in such district hereby annexed to the county of Meath; and it shall be lawful for the treasurer of the county of Meath from time to time to allow such credits to the parties entitled thereto, and also by his warrant to collect such arrears as aforesaid, and to pay over and dispose of the same in like manner as the same, if duly levied when due, should have been paid over and disposed of.

v. Provided and enacted, That the said place or district hereby annexed to the said barony of Lower Duleek shall not be liable to or bound to contribute to the payment of any debt due or instalment payable by the county of Meath or said barony of Lower Duleek under any presentment of the grand jury of the county of Meath made before the passing of this Act, or made for the repayment of any advances of public money made to such county or barony before the passing of this Act, but any such presentments heretofore made shall be levied as if this Act had not been passed.

vi. That it shall be lawful for the grand jury of the county of Meath, or for twenty or more cess payers of such place or district hereby annexed to the said county of Meath, to apply by memorial to the Lord Lieutenant or other chief governor or governors of Ireland and council, that proceedings may be taken to ascertain in what proportion and according to what valuation the barony to which such addition shall be so made shall be assessed and apportioned to grand jury cess; and thereupon the Lord Lieutenant or other chief governor or governors of Ireland and council shall from time to time make such order or orders as to them shall appear just touching the subject-matter of such petition, and in so doing shall settle and define the boundaries of the barony to which such addition shall be made; and the grand jury of such county of Meath, and also the Lord Lieutenant or other chief governor or governors of Ireland and council, are thereby empowered, if they shall respectively deem fit, to employ a surveyor or surveyors to examine and report upon the circumstances and value of such barony or baronies, and such part or district as aforesaid, and to order the expenses of such examination and report to be paid; and the grand jury of such county which shall assemble next after such order shall and they are hereby required to present the amount of such expenses to be raised off such county, and paid out of the grand jury cess thereof, and the grand jury of such county are hereby empowered to present to be so raised and paid all such further expenses as shall be incurred by them, or by any former grand jury, and their officers, in or about the procuring of such annexation as aforesaid.

vii. That it shall be lawful for the grand juries of the counties of Meath and Louth respectively, for their respective counties, from time to time, with the approbation of the Judge or Judges of assize for the time being, to adjust or alter the proportions in which and the valuations according to which the place or district so added to such county of Meath, and every townland or other denomination or sub-denomination thereof, shall contribute to the grand jury cess of such county of Meath, and the proportions in which the barony or half barony or other district from which such place or district shall be so taken away shall so contribute to the grand jury cess of the county of Louth, or in which any barony, half barony, or district which shall not sustain any increase or diminution by such change ought to contribute by reason of such change: Provided always, that it shall be lawful for the grand juries of such counties respectively, for their respective counties, to direct that such proportions and valuations as aforesaid shall be entered in the county books of such counties respectively, and thereupon the same shall be so entered accordingly, and shall, until further altered or adjusted by law, be the proportions and valuations according to which the warrant of the treasurers of such counties respectively shall be made with respect to those places to which such valuations or proportions shall relate: Provided always, that in every case in which any valuation made or to be made by virtue of an Act, 6 & 7 Will. 4. c. 84, intituled 'An Act to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in Ireland, and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the same may adjoin, or wherein the same are locally situate,' or by virtue of any other Act or Acts, shall, under the provisions of such Act or Acts, be or have been in force and applicable to any such barony, place, or district, or, if this Act had not been passed, would be so in force and applicable, regard shall be had to such Act or Acts, and to any valuation made or to be made in pursuance thereof, in the warrant of the treasurers of such counties respectively, and in the levy of grand jury-cess of such counties respectively, or such barony and place or district as aforesaid.

And after reciting that under the provisions of the said recited Acts of 3 & 4 Vict. a certain place or district, being before the passing of the said Act part of the county of Louth, is locally situate and included within the boundaries of the borough of Drogheda as defined under the said recited Acts, and by reason thereof the said place or district became and is deemed and taken to be part of the county of the town of Drogheda, and of no other county, and by reason thereof became and is liable to contribute to the payment of a proportion of debts due and instalments or annuity payable by the said county of the town of Drogheda to Her Majesty's Exchequer, for advances of money theretofore made to the said county of the town of Drogheda, and to the payment of a proportion of sums to be assessed by the award of a barrister on the said county of the town of Drogheda, and on the precincts of the same, under the provisions of the said recited Acts of 6 & 7 Vict.: And that it is just that the said place or district so taken from the county of Louth, and annexed to the borough of Drogheda, should be exonerated from the payment of such debts and instalments, annuity, or sums of money so due and payable for sums advanced before such annexation as aforesaid;—

It is Enacted,

VIII. That the said place or district so taken from the county of Louth, and annexed to the said borough of Drogheda, shall be exempt and exonerated from the payment of any proportion of such last-mentioned debts, instalments, annuity, or sums of money, and that the amount of the assessments for the same from time to time to be made, from which the said place or district is hereby exempted and exonerated, shall be from time to time assessed upon and levied from the remaining portion of the borough of Drogheda.

And after reciting that the court of conscience held before the mayor of the town and county of the town of Drogheda, for determining causes in all small debts between party and party under the value of 10s., has been of great use, and will be of still greater advantage to the inhabitants if the jurisdiction of said court be extended to the determination of causes in all small debts between party and party under the value of 40s. ;—

It is Enacted,

IX. That the mayor of the said town and county of the town of Drogheda for the time being shall have full power and authority to hear and finally determine causes in all small debts between party and party under the value of 40s., and shall have and exercise in relation thereto all the powers, authorities, and jurisdictions which the mayor of said town and county of the town hath heretofore had and exercised in the said court of conscience.

And after reciting that under the provisions of the said recited Acts certain parts or portions of the old county of the city of Waterford and of the ancient liberties thereof, and certain parts of parishes or other denominations, are not included within the boundaries of the county of the city of Waterford as defined under the said recited Acts of 3 & 4 Vict., and have for the purpose of grand jury presentments, and of criminal jurisdiction, and also of civil jurisdiction of the superior courts of common law in Dublin, become severally part of the adjoining county of Waterford: And that a certain district of such old county of the city of Waterford not included within the boundaries of the present county of the city of Waterford as defined under the said last-mentioned Acts is situate on the north side of the river Suir, and has, as aforesaid, become part of the county of Waterford; but doubts having existed as to the true construction of the said last-mentioned Acts in respect thereto, the said last-mentioned portion or district situate on the north side of the said river has been, since the passing of the said recited Acts of 3 & 4 Vict., erroneously deemed to be treated as part of the county of Kilkenny, and the Justices of the Peace of the county of Kilkenny have under such erroneous impression exercised jurisdiction therein as if the same were part of the said county: And that it is just and expedient that the acts of such Justices done under such erroneous impression should be validated, and such Justices, and those acting under their authority in that behalf, should be indemnified;—

It is Enacted,

X. That all and every act or acts of any Justice or Justices of the Peace or of the assistant barrister of the county of Kilkenny, heretofore done in any matter or thing concerning or in anywise relating to or within the said district, from the time when the same was by law severed from the county of the city of Waterford, and the act or acts of any constable or other officer in obedience thereto, shall be and shall be deemed to have been as valid, good, and effectual in the law, to all intents and purposes whatsoever, as if said place or district had been at the time of such act or acts lawfully a part of the county of Kilkenny.

XI. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

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## [CAP. CXXII.]

AN ACT to amend an Act, intituled *An Act to carry into execution a Convention between His Majesty and the Emperor of Brazil, for the Regulation and final Abolition of the African Slave Trade.*

(8th August 1845.)

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### ABSTRACT OF THE ENACTMENTS.

1. *Mixed commissions to proceed up to the 13th Sept. 1845 in adjudication of vessels taken before the 13th of March 1845.*
2. *Certain decrees and sentences of mixed commissions to be valid.*

3. *Part of 7 & 8 Geo. 4. c. 74. repealed.*
4. *Vessels engaged in the slave trade contrary to the said convention to be tried by Courts of Admiralty.*
5. *Indemnity to persons acting in execution of this Act.*
6. *Vessels condemned to be sold for Her Majesty's service, or broken up.*
7. *Reports of vessels condemned to be laid before Parliament.*
8. *Extending provisions of 5 Geo. 4. c. 113, 11 Geo. 4. & 1 Will. 4. c. 55, 1 & 2 Vict. c. 47, and 5 & 6 Vict. c. 91. to vessels seized under this Act.*
9. *Alteration of Act.*

By this Act,

After reciting that a convention was concluded between His late Majesty King George the Fourth and the Emperor of Brazil, for the regulation and final abolition of the African slave trade, and signed at Rio de Janeiro on the 23rd of November 1826: And that by the said convention it was agreed between the high contracting parties to adopt, for the purpose and period therein referred to, the several articles and provisions of the treaties concluded between His said late Majesty and the King of Portugal on this subject on the 22nd of January 1815 and on the 28th of July 1817, and the several explanatory articles which had been added thereto, with the instructions, regulations, and forms of instruments annexed to the treaty of the said 28th of July 1817, and to appoint forthwith mixed commissions for adjudicating the cases of vessels detained under the provisions of the aforesaid convention of the 23rd of November 1826: And that such mixed commissions were accordingly appointed: And the passing of an Act 7 & 8 Geo. 4. c. 74: And that on the 12th of March 1845 it was notified by the Imperial Government of Brazil to Her Majesty's Government, that the British and Brazilian mixed commissions established at Rio de Janeiro and Sierra Leone would cease on the 13th of March; but that the Imperial Government would agree that the said mixed commissions should continue for six months longer, for the sole purpose of adjudicating the cases pending, and those which might have occurred before the said 13th of March: And that it has become necessary to provide for the adjudication of the cases of such vessels detained under the provisions of the said convention of the 23rd of November 1826 as were pending before the said commissions or either of them and remained undecided on the said 13th of March, and of the cases of such other vessels as may have been detained under the said convention previously to the 13th of March, but had not then been brought in for adjudication;—

It is Enacted,

1. That it shall be lawful for the said mixed commissions established at Rio de Janeiro and Sierra Leone to proceed up to the 13th of September in the current year in the adjudication of the cases of such vessels detained under the provisions of the said convention of the 23rd of November 1826 as were pending before them or either of them and remained undecided on the said 13th of March, and of the cases of such other vessels as may have been detained under the said convention previously to the said 13th of March, but had not then been brought in for adjudication, in the same manner and with the like powers and authorities in all respects as they possessed and exercised under the said convention and under the said Act of Parliament.

11. Declared and enacted, That any decree or sentence which may have been or shall be made or passed by either of the said mixed British and Brazilian commissions established at Rio de Janeiro and Sierra Leone, on any vessel or vessels captured and brought in before either of the said commissions from the said 13th of March last to the said 13th of September ensuing inclusive by any person or persons in Her Majesty's service acting under any such order or authority as aforesaid, is and shall be good and valid to all intents and purposes.

And after reciting that by the said convention of the 23rd of November 1826 it was agreed and concluded by and between the high contracting parties, that at the expiration of three years, to be reckoned from the exchange of the ratifications of the said convention, it should not be lawful for the subjects of the Emperor of Brazil to be concerned in the carrying on of the African slave trade under any pretext or in any manner whatever, and that the carrying on such trade after that period by any person, subject of His Imperial Majesty, should be deemed and treated as piracy: And that it has become necessary, for the purpose of carrying into effect the said convention, that so much of the said Act of 7 & 8 Geo. 4. as prohibits the High Court of Admiralty and the Courts of Vice Admiralty from exercising jurisdiction over vessels captured in virtue of the said convention shall be repealed, and that further provisions be made for the due execution of the same;—

It is Enacted,

111. That so much of the said Act as prohibits the High Court of Admiralty or any Court of Vice Admiralty in any part of Her Majesty's dominions from adjudicating on any claim, action, or suit arising out of the said convention, or as makes any provision for barring any such claim, action, suit, or proceeding in the High Court of Admiralty or any of the said Courts of Vice Admiralty, shall be repealed.

112. That it shall be lawful for Her Majesty's High Court of Admiralty and any Court of Vice Admiralty within Her Majesty's dominions to take cognizance of and adjudicate any vessel carrying on the African slave trade in contravention of the said convention of the 23rd of November 1826, and detained and seized on that account subsequently to the said 13th of March, by any person or persons in the service of Her Majesty, under any order or authority of the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral, or of one of Her Majesty's Secretaries of State, and the crew and cargo found therein, in like manner and under the like rules and regulations as are contained in any Act of Parliament now in force in relation to the suppression of the slave trade by British-owned ships, as fully to all intents and purposes as if such Acts were re-enacted in this Act as to such vessels and to such High Court of Admiralty or Courts of Vice Admiralty.



v. That all persons acting under any such order or authority of the Lord High Admiral or of the Commissioners for executing the office of Lord High Admiral, or of one of Her Majesty's Secretaries of State, shall be freed and indemnified from and against all writs, actions, suits, and proceedings whatever, and all prosecutions and penalties, for being concerned in any search, detention, capture, or condemnation of any vessel which shall have been found carrying on the African slave trade in contravention of the said convention of the 23rd of November 1826, or in the arrest or detention of any person found on board such vessel, or on account of the cargo thereof, or anything done in relation thereto, and that no action, suit, writ, or proceeding whatever shall be maintained or maintainable in any court in any part of Her Majesty's dominions against any person for any act done under any such order or authority as aforesaid.

vi. That any ship or vessel which shall be detained under any such order or authority as aforesaid, and shall have been condemned by Her Majesty's High Court of Admiralty or by any Court of Vice Admiralty, may be taken into Her Majesty's service, upon payment of such sum as the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral shall deem a proper price for the same, or, if not so taken, shall be broken up and entirely demolished, and the materials thereof shall be publicly sold in separate parts.

vii. That every Court of Vice Admiralty shall from time to time as shall be required by the Lord High Admiral, or Commissioners for executing the office of Lord High Admiral, certify to the said Lord High Admiral or Commissioners the name of every ship or vessel condemned in such Court of Vice Admiralty under this Act, and the date of the condemnation thereof; and the said Lord High Admiral or Commissioners shall once in every year report to Her Majesty which of the ships or vessels condemned in the said High Court of Admiralty or in any Court of Vice Admiralty under this Act have been taken into Her Majesty's service, and which have been broken up, and in each case the amount of the price paid for the same or sum for which the materials were sold; and a copy of every such report shall be laid before both Houses of Parliament within six weeks after the same shall be received, if Parliament be then sitting, or if not then within six weeks next after the next meeting of Parliament.

viii. That so much of the several enactments set forth in an Act, 5 Geo. 4. c. 113, intituled 'An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade,' and in an Act, 11 Geo. 4. & 1 Will. 4. c. 55, intituled 'An Act to reduce the Rate of Bounties payable upon the Seizure of Slaves,' and in an Act, 1 & 2 Vict. c. 47, intituled 'An Act for the better and more effectually carrying into effect the Treaties and Conventions made with Foreign Powers for suppressing the Slave Trade,' as relates to persons giving false evidence being guilty of perjury; to maintaining and providing for captured slaves pending adjudication; to condemning slaves as forfeitures to the Crown; to rewarding the captors with a bounty on the vessel as well as on the slaves; to authorizing the Commissioners of Her Majesty's Treasury, if in their discretion it shall seem meet, to order payment of one moiety of the bounty where slaves may not have been condemned or delivered over in consequence of death, sickness, or other inevitable circumstance; to the mode of obtaining such bounties; to authorizing the High Court of Admiralty to determine as to doubtful claims of bounty, and also on any question of joint capture; and to enforcing any decree or sentence of any Vice Admiralty Court; and also the whole of an Act, 5 & 6 Vict. c. 91, intituled 'An Act to amend an Act of the Second and Third Years of Her Majesty, for the Suppression of the Slave Trade,' shall be applied, *mutatis mutandis*, to all cases of vessels detained and seized for carrying on the African slave trade in contravention of the said convention.

ix. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

### CAP. CXXIII.

AN ACT to authorize until the End of the next Session of Parliament an Alteration of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.

(8th August 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. Amount of annuities payable by the society to widows or other claimants may be varied.
2. Duration of Act.
3. Act to be deemed a public Act.
4. Alteration of Act.

#### By this Act,

After reciting that under an Order in Council, bearing date the 13th of August 1817, the Naval Medical Supplemental Fund Society was established for the relief of widows of medical officers in the Royal Navy, and certain rules and regulations were thereby made and prescribed for the government, regulation, and management of the said society and the funds thereof. And that certain pensions and annuities have been and are paid and payable by, and premiums have been and are paid and payable to, the said society; and it is expedient to reduce or vary the amount and rate thereof, in order to prevent any encroachment on the funds of the said society:—

#### It is Enacted,

1. That from and after the passing of this Act it shall and may be lawful for the Lord High Admiral or the First Lord Commissioner of the Admiralty Board for the time being, as patron of the said society, and for the Secretary of the

Admiralty for the time being as president of the said Society, to vary and reduce at any time, and from time to time, by writing under their respective hands, as the exigencies of the case may seem to them requisite; the amount of the annuity now or hereafter payable by the said society to widows or other claimants, provided that the amount of the annuities be not thereby rendered less than two-thirds of the amount which is now paid, and also to vary and increase the rate of premium which now is or shall be paid to the said society for or in respect of any annuity, so that the amount of the premium shall not exceed the rate established by the said Order in Council: Provided always, that nothing in this Act contained shall render it obligatory on any person to commence or continue the payment of the full or reduced amount of any such premiums of insurance as afore-said.

II. That this Act shall commence and take effect from the passing thereof, and shall continue in force to the end of the next Session of Parliament.

III. That this Act shall be a public Act, and shall be judicially taken notice of as such.

IV. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

## CAP. CXXIV.

## AN ACT to facilitate the granting of certain Leases.

(8th August 1845.)

[See Appendix, p. xx.]

## CAP. CXXV.—IRELAND.

AN ACT to continue until the Thirty-first day of *July* One thousand eight hundred and forty-six, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*.

(8th August 1845.)

By this ACT, certain expiring Acts for making or repairing Turnpike Roads in Ireland are further continued.

## CAP. CXXVI.

AN ACT to amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics, in *England*.

(8th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Repeal of 9 Geo. 4. c. 40.—Proviso for asylums commenced under the repealed Act.*
2. *Justices of the Peace of every county and borough not having a lunatic asylum to provide one.*
3. *The Justices of every county and the Recorder of every borough not having a lunatic asylum to give notice on or before the sessions next after the 20th of December 1845 of their intention to appoint a committee to superintend the providing of an asylum.*
4. *Justices of every county and borough not having a lunatic asylum, to appoint a committee to superintend the providing one.—Every borough not having six Justices besides the Recorder, to be annexed to the county or one of the counties in which it is situate, for the purposes of this Act.—Proviso for asylums established by voluntary contributions.*
5. *Subscribers to any lunatic asylum authorized to appoint a committee to treat with committee of Justices for uniting such asylum with a county or borough asylum.*
6. *Committees of Justices and subscribers, if they unite, to enter into an agreement in the form in Schedule (A).*
7. *Committee of Justices to report and deliver a copy of the agreement at the then next sessions.*
8. *Justices of every county and borough having a lunatic asylum, but of insufficient accommodation, to provide an additional asylum or accommodation.*
9. *Power for the visitors of existing county and borough asylums to unite, under the powers of this Act, with the visitors of any other county or borough.*
10. *Boroughs now contributing to a county asylum to be deemed to have an asylum.—Any borough, upon notice, may separate itself from a county asylum.*
11. *Present visitors to remain in office till the sessions next after the 20th of December 1845.*

12. *For the appointment of future visitors.*
13. *Former visitors to remain in office in case of the omission of an election, or of filling up a vacancy.*
14. *Meetings of visitors.—Every committee to elect a chairman; number of members to constitute a meeting; questions how to be decided.—Visitors to appoint a clerk.*
15. *The chairman, or two visitors, or the clerk, may convene meetings of visitors in certain cases.*
16. *Visitors may sue and be sued in the name of their clerk, whose removal shall not abate actions.*
17. *When an asylum or additional asylum or accommodation is required, the visitors to procure and determine on plans and estimates, and to contract for the purchase of lands and buildings, and for erecting, &c., the necessary buildings.—Contractors to give security.—Contracts and orders to be entered in a book to be deposited, and to be open to inspection.—Lands purchased to be conveyed in trust for the purposes of this Act.—Visitors to report.*
18. *Power to visitors to purchase in consideration of a rent reserved.*
19. *Power for visitors to take a lease at a rent.*
20. *Power for incapacitated persons to convey and exchange.*
21. *Application of money on a sale by or an exchange with any incapacitated person.*
22. *Persons in possession to be deemed entitled till the contrary be shewn.*
23. *Court of Chancery may order expenses to be paid by visitors.*
24. *Provisions for the enfranchisement of copyhold and customary hereditaments.*
25. *Assessment to rates and taxes not to be increased after purchases for the purposes of this or any former Act.*
26. *Visitors to order all ordinary repairs of asylums.—No order for payment of money exceeding 400*l.* to be made unless notice has been given of the meeting.*
27. *To prevent exclusion from asylums of curable lunatics, separate provision to be made for chronic lunatics.*
28. *All proposals, agreements, and plans to be submitted to the Commissioners in Lunacy, and all contracts and estimates to be approved of by the Secretary of State.*
29. *Visitors empowered to contract with the owners of licensed houses for the care and maintenance of pauper lunatics, subject to the approval of the Secretary of State.—Such contract not to exempt any county or borough from the obligation of providing an asylum.*
30. *Power for visitors to dissolve unions.*
31. *Power for visitors, with consent of the Secretary of State, to sell lands and buildings.—Application of purchase monies.*
32. *No visitor to have any interest in any contract or agreement.*
33. *Provisions for raising monies required for the purposes of this Act by county and borough rates.*
34. *Power for Justices of counties and councils or boroughs to raise money by mortgage of the rates.*
35. *Justices and council may apply to Commissioners of Consolidated Fund for public works, under Act 5 & 6 Vict. c. 9, for advance of money.*
36. *Provisions for the payment of the interest on the mortgages, and of a portion of the principal in each year.*
37. *Provision to be made for paying money borrowed within a limited time not exceeding thirty years.*
38. *Power to raise money to pay off sums already borrowed.*
39. *Asylum may be erected beyond the limits of any county or borough; and Justices of such county or borough may notwithstanding act therein.*
40. *Visitors to submit general rules to the Secretary of State, and, subject to such general rules, to make regulations and to appoint and dismiss officers, and fix a weekly rate for each lunatic.*
41. *If the rate be found insufficient, Justices in session may increase it.*
42. *Visitors to appoint a chaplain, medical officer, and a clerk.—Patients allowed the visits of any minister of their own persuasion.—Medical officer to visit asylum three times a week, and examine patients.*
43. *Justices may grant annuity to the superintendent, &c., not exceeding two-thirds of their salaries.*
44. *Clerk of the asylum to keep account of monies paid and received, and send copies thereof annually to Secretary of State and Commissioners in Lunacy.*
45. *Three visitors at least to visit once in every three months every asylum.*
46. *Lists of pauper lunatics in every asylum to be made half-yearly, and laid before the visitors, and copies transmitted to the clerk of the peace and to the secretary of the Commissioners in Lunacy.—A list of all private patients in any asylum to be sent half-yearly to the Commissioners.*
47. *Clerks of boards of guardians, and overseers where no guardians, to make annual returns of pauper lunatics.*
48. *Medical officer to give notice of any chargeable pauper deemed to be lunatic to parish officers, who are to have every lunatic whom they shall know of, by such notice or otherwise, examined and sent to an asylum.*
49. *Provisions as to wandering lunatics, and lunatics not chargeable, and not under proper care.*
50. *Penalties on medical officers, overseers, &c., omitting to give notice as aforesaid.*
51. *No paupers to be received into any asylum without a certain order and certificate.*
52. *No person, not being a pauper, to be received into an asylum without an order and two medical certificates.*
53. *A medical practitioner signing untrue certificate guilty of a misdemeanour.*
54. *Every pauper to be in the first place taken to the principal asylum of the county or borough, if circumstances admit.*
55. *Every pauper lunatic, not being in an asylum or house licensed for the purpose, shall be visited once in every three months by a medical man, and returned in a list to the clerk of the peace and the Commissioners in Lunacy.*
56. *Power to visitors to remove paupers to an hospital for chronic lunatics, and to provide further room, if necessary, for curable lunatics.*
57. *Every pauper lunatic to be deemed to be settled in the parish from which he shall have been sent till he be adjudged to be settled in some other parish.*
58. *Two Justices may inquire into and adjudge the settlement of a lunatic.*
59. *Mode of determining that a pauper lunatic is chargeable to a county.*
60. *In cases of inquiries and appeals, guardians and officers interested to have access to the lunatic.*

61. Justices to make an order upon the officers of unions and parishes for maintenance of lunatics.
62. If lunatic adjudged to belong to some other parish, Justices to make orders upon such other parish, or the union to which it belongs, for his maintenance.
63. If it is ascertained that a lunatic is chargeable to a county, the Justices to make order upon the treasurer of such county for his maintenance.
64. Provision for the reimbursement to a county of monies paid on account of a lunatic afterwards adjudged to belong to any parish.
65. Visitors may discharge a lunatic on the undertaking of a relative or friend that he shall be no longer chargeable, and shall be taken care of.
66. Justices to make orders out of their respective jurisdictions.
67. Persons aggrieved by an order or refusal may appeal to the sessions.
68. Money ordered to be paid by any clerk, overseer, relieving officer, or treasurer to be levied (in case of neglect to pay) by distress.
69. Power for medical persons, guardians, and overseers of unions and parishes to visit pauper patients of such unions and parishes confined in any asylum.
70. When any asylum can accommodate more than the lunatics of the county or borough, visitors or Justices may order the admission of other lunatics.
71. Discharge and removal of lunatics from asylums.—Penalty on officers, &c. allowing them to escape, or be at large without permission.
72. Expenses of the removal or discharge of a pauper.
73. Every clerk receiving a lunatic into an asylum to make an entry thereof in a certain form.—Copies of all orders and certificates of admission, with an additional medical certificate to be transmitted to the Commissioners in Lunacy.
74. Weekly medical journal and case book to be kept in every asylum.
75. In case of the death of a lunatic, the cause of death to be stated, and sent to the clerk of the peace and the Commissioners in Lunacy.
76. Entries to be made of the death, discharge, or removal of every lunatic.
77. Penalty on officers or servants ill-treating lunatics.
78. Recovery of penalties, and application thereof.
79. Form of conviction before Justices.
80. Power of appeal to the Quarter Sessions.
81. Every city, town, liberty, &c., not being a borough within the meaning of this Act, to be annexed to and rated as part of the county within which the same is situate.
82. Council of every borough to exercise the same duties, &c. of erecting asylums as are conferred upon Justices, &c.
83. Committee appointed by council to have same powers as committee of visitors.
84. Interpretation of Act.
85. Act not to extend to Bethlehem Hospital.
86. Act shall extend only to England and Wales.
87. Alteration of Act.

By this ACT, it is Enacted,

I. That 9 Geo. 4. c. 40. shall be repealed, except so far as the said Act repealed any previous Act or Acts, and except as to any matters committed or done, or contracted to be committed or done, before the passing of this Act, which shall be as if this Act had not passed: Provided always, nevertheless, that all asylums which have been commenced under the said repealed Act shall be completed under the said repealed Act or this Act, and that all asylums which have been or shall be erected, completed, or established under the said repealed Act, or any Act thereby repealed, shall, after the passing of this Act, be regulated under and be subject to the provisions and directions of this Act.

II. That the Justices of every county and borough which has no asylum for the pauper lunatics thereof shall, after the passing of this Act, either erect or provide an asylum for the pauper lunatics of such county or borough alone, or shall unite with some county or borough (whether such last-named county or borough shall or shall not have a lunatic asylum), or with be subscribers to some lunatic asylum theretofore established by voluntary subscription, in erecting or providing an asylum for the pauper lunatics of such county or borough; and that if the Justices of any county or borough having no asylum for the pauper lunatics thereof shall not, within the period of three years from the passing of this Act, have erected or provided, or nited in or commenced erecting or providing, an asylum for the pauper lunatics thereof as aforesaid, it shall be lawful for the of Her Majesty's principal Secretaries of State to require the Justices of such county or borough to erect or provide, or site in erecting or providing, such an asylum for the purpose aforesaid as Her Majesty's said principal Secretary of State shall think fit, and such Justices shall thereupon erect or provide, or unite in erecting or providing, such asylum accordingly.

III. That the Justices of every county and the Recorder of every borough which has no asylum for the pauper lunatics thereof shall, on or before the General or Quarter Sessions for each county or borough next after the 20th of December 45, direct public notice to be given by the clerk of the peace of such county or borough, and such clerk of the peace of such county shall, within ten days thereafter, give notice in some newspaper or newspapers commonly circulated in such county, of the intention of the Justices of the county to appoint at the then next succeeding General or Quarter Sessions, and the clerk of the peace of the borough shall in like manner give notice of the intention of the Justices of the borough to appoint, at a special meeting to be fixed in such notice, within three months from the date thereof, a committee of Justices to superintend the erecting or providing of an asylum for the pauper lunatics of such county or borough alone, or to at and enter into an agreement with the Justices of some other county or counties, borough or boroughs, or with the subscribers to some lunatic asylum theretofore established by voluntary subscription, for the erecting or providing an asylum for the pauper lunatics of such county or borough.

iv. That the Justices of every county which has no asylum for the pauper lunatics thereof shall, at the then next General or Quarter Sessions for such county, after such notice shall have been given as aforesaid, and the Justices of every borough which has no asylum for the pauper lunatics thereof, at the special meeting to be named as aforesaid, shall elect some Justices to be a committee either to superintend the erecting or providing of an asylum for the pauper lunatics of such county or borough alone, or to treat and enter into an agreement with the committee or committees of Justices of any other county or counties, borough or boroughs, or with the subscribers to any lunatic asylum theretofore established by voluntary subscription, for the erecting or providing of an asylum for the pauper lunatics of such county or borough: Provided always, that the committee of Justices to be so appointed for erecting or providing an asylum for the sole use of any one county or borough shall not consist of less than seven Justices, and that the committee of Justices to be so appointed to treat with any other committee or committees or subscribers as aforesaid for erecting or providing an asylum as aforesaid shall not consist of more than fifteen nor of less than three Justices: Provided also, that every borough in which, at the passing of this Act, there shall not be six Justices, besides a Recorder, shall, for the purposes of this Act, be annexed to and be part of the county in which it is wholly situated, or in case it be not wholly situated in any one county shall be annexed to and be part of such one of the counties in which it is situate as Her Majesty's principal Secretary of State for the Home Department shall, by writing under his hand and seal, direct; and the Recorder of every such last-mentioned borough shall, at the General or Quarter Sessions next after the 20th day of December in every year, nominate and appoint two of the Justices of such borough to be members of the committee of Justices of the county to which such borough is hereby or shall be annexed, in addition to the members of the committee for such county; and the committee of Justices of every county to which any borough is hereby or shall be annexed as aforesaid shall from time to time fix the sum to be contributed by such borough towards the expenses of and incident to the erecting, providing, and maintaining the asylum of such county according to the comparative population of such borough and county as stated in the then last returns made of the same under the authority of Parliament, and give notice thereof in writing to the treasurer of such borough; and such sum shall be raised by a borough rate to be made by the council of the borough, in like manner as is directed by an Act, 5 & 6 Will. 4. c. 76, intituled 'An Act to provide for the Regulation of Municipal Corporations in England and Wales,' or out of the borough fund if the council shall think fit, and shall be paid by the treasurer of the borough to the treasurer of the asylum: Provided also, that where the subscribers to any asylum established by voluntary subscriptions enter into any agreement with the Justices of any county or borough under this Act, nothing in this Act contained shall prevent the reception into the asylum provided by such subscribers and such Justices under such agreement, or the discharge therefrom, of so many of any lunatics, other than pauper lunatics, as might have been received into the asylum so established by voluntary subscription if this Act had not been passed.

v. That it shall be lawful for the major part of the subscribers to any lunatic asylum supported by voluntary subscriptions already established, present at any meeting of subscribers to the same, which shall be called together by advertisement in a newspaper commonly circulated in the place where such asylum is situate, for the express purpose of making such election and appointment, to elect and appoint any number of subscribers, not exceeding five, to form a committee to treat and enter into an agreement with the committee or committees of Justices of any county or counties, borough or boroughs, elected or appointed as aforesaid, to unite such asylum supported by voluntary subscriptions with an asylum for such county or borough, counties or boroughs, under the provisions and for the purposes of this Act.

vi. That when two or more committees of Justices, so elected or appointed as aforesaid, shall agree to unite, either together or together and with any committee of such subscribers as aforesaid for the purposes of this Act, and where any one committee of Justices, so elected or appointed as aforesaid, shall agree to unite with any committee of such subscribers as aforesaid for the purposes of this Act, an agreement shall be entered into and signed by the said several committees, or the major part of such committees respectively, in the form or to the effect set forth in Schedule (A.) hereunto annexed; and such agreement, when signed by the major part of each or every such committee (and not before), shall be binding upon the county or counties, borough or boroughs, and subscribers, for or on behalf of which or whom the committees so signing such agreement shall have been respectively elected or appointed; and every such agreement shall specify the proportion in which the expenses necessary for carrying into execution the powers and purposes of this Act shall be charged and assessed upon the several counties and boroughs and subscribers so uniting, such proportions, as regards the several counties and boroughs, to be calculated by the said committees of Justices in proportion to the population of the said several counties and boroughs as stated in the then last returns made of the same under the authority of Parliament, and, as regards the subscribers, to be calculated by the committee of subscribers; and every such agreement shall also specify the numbers of every committee of the county or counties, borough or boroughs, or subscribers so uniting.

vii. That whensoever any agreement shall have been so entered into and signed as aforesaid, the committee for each county and borough so uniting shall report the same to the Justices of such county or the Recorder of such borough at the then next General or Quarter Sessions, and shall then and there deliver into court a duplicate of the said agreement, to be by the clerk of the peace of the same county or borough entered among the records thereof.

viii. That the Justices of every county and borough which has or shall have an asylum for the pauper lunatics thereof, but which has or shall have more pauper lunatics than such asylum will properly accommodate, and the Justices of every county or borough which has or shall have an asylum which any one of Her Majesty's principal Secretaries of State shall, by writing under his hand and seal, declare to be inadequate or unfit for the proper accommodation of the pauper lunatics of such county or borough, shall erect or provide additional buildings or an additional asylum for the pauper lunatics of such county or borough as the said Secretary of State shall direct: Provided always, that in case the asylum so declared inadequate or unfit as aforesaid shall be a workhouse, it shall be lawful for the said Secretary of State, if he shall think fit, upon the application in writing of the guardians or overseers of the union or parish to whom such workhouse shall belong, or of the major part of them, to direct such additional buildings or such additional asylum as aforesaid to be erected or provided by the said guardians or overseers; and every such workhouse which shall be so added to, and every such additional asylum which shall be erected or provided as last aforesaid, shall be and be deemed to be a lunatic asylum for such county

or borough, and shall be included in and shall be subject to the provisions of this Act; and it shall be lawful for the guardians or overseers to whom such direction shall be given, and they are hereby authorized, to apply, or to assess, raise, and levy such sum or sums of money as may be necessary for the purposes aforesaid from such funds, or by such powers, ways, and means, as are now by law belonging or given to or vested in such guardians or overseers specially, or in churchwardens or overseers of the poor generally, in relation to the purchase or hiring of lands, or the purchase, building, hiring, enlarging, or maintaining of workhouses: Provided also, that it shall be lawful for the Justices of any such county, in General or Quarter Sessions, or of any borough, with the consent of the Poor Law Commissioners for England and Wales, and of the guardians and overseers of the union or parish, to take and use a workhouse for the reception of all or any of the pauper lunatics of such county or borough who may be chronic lunatics; and every workhouse so taken and used shall thereafter cease to be a workhouse for other purposes whilst so used, and shall be and be deemed for all the purposes of this Act to be a lunatic asylum of such county or borough, and to be included in the provisions of this Act.

ix. That it shall be lawful for the committee of visitors for the time being of any asylum already erected for any county or borough or united counties or boroughs, and also for the committee of visitors for the time being of any asylum already erected for any county or borough or united counties or boroughs, jointly with any voluntary subscribers, to unite, under the powers of this Act, and in manner hereinafter directed, and either by way of purchase or by payment of any sum in the nature of rent, or otherwise, with any other county or borough, counties or boroughs, or any voluntary subscribers, for the joint use of any asylum already erected, or for the erecting or providing of additional buildings or an additional asylum for the pauper lunatics of such county or counties, borough or boroughs; and in every such case if the said existing asylum shall not afterwards be used by the united county or borough, counties or boroughs jointly, the expenses of and incident to the erecting, providing, and maintaining the said additional buildings or additional asylum shall be charged and assessed upon the several counties, boroughs, and subscribers so uniting as hereinbefore provided in the case of counties and boroughs none of which have an asylum; but if the said existing asylum shall afterwards be used by the united county or borough, counties or boroughs jointly, the committees of visitors of the several counties, boroughs, or subscribers, as the case may be, which shall be so united shall fix the sum to be paid by the county or borough, or each of the counties and boroughs, not then having any asylum, towards the expenses then already incurred in erecting or providing such asylum as aforesaid, and the same shall be paid by every such county or borough to the treasurer of such asylum, and shall be raised by such county or borough in the same manner as other monies are hereby directed to be raised by counties and boroughs respectively for the purposes of this Act, and shall be applied by the committee of visitors of the asylum in such manner as such committee shall think fit, according to the provisions and for carrying into effect the purposes of this Act; and in every case of any such union as last aforesaid an agreement shall be entered into according to the form or to the effect set forth in the said Schedule (A), and shall contain the same specifications as hereinbefore required in the case of an agreement for an union by counties and boroughs none of which has an asylum.

x. That every borough which is situate within a county having an asylum for pauper lunatics, and which under any previous Act now contributes to such asylum, shall, for the purposes hereinbefore mentioned, be considered as having an asylum for the pauper lunatics of the said borough: Provided always, that it shall be lawful for any such borough at any time hereafter, upon giving six calendar months' notice in writing, under the hand of the town clerk, in pursuance of a resolution of the council of such borough, to the clerk of the peace of the county, to separate itself, so far as it relates to the establishment of a lunatic asylum for such county and the maintenance of lunatics therein, from the county in which such borough may be situated, and from and after the expiration of such notice such borough shall, for the purposes of this Act, be deemed a borough not having an asylum for the pauper lunatics thereof: Provided also, that from and after the expiration of such notice, and until the withdrawal from such county asylum of all the lunatics from or belonging to any such borough, such borough shall be liable to contribute towards the expenses of such asylum, in the same manner and to the same extent as such borough would have been liable to contribute if notice of separation had not been given; and from and after the expiration of such notice, and the withdrawal from such county asylum of all lunatics from or belonging to such borough, then and in such case such borough shall not be liable to pay or contribute towards the expense of the establishment of such asylum, or the maintenance of lunatics therein, save only such proportion of the expenses of maintaining lunatics chargeable to the county in which such borough is situate which would have been chargeable upon such borough in case it had not so separated from the county.

xi. That in every county and borough for which an asylum has been already provided the present committee of visiting Justices, or of visiting Justices and subscribers, or of visitors thereof, shall continue to be the committee of visiting Justices or visitors thereof until the General or Quarter Sessions which shall be held next after the 20th of December 1845.

xii. That at the General or Quarter Sessions to be held next after the 20th of December in every year the Justices of every county, and at a special meeting to be held within twenty days after the 20th of December in every year the Justices of every borough, having for the time being an asylum (whether already erected or provided, or in course of erection, or ereafter to be erected or provided or, in course of being erected or provided) either for the sole use of such county or borough, or otherwise as aforesaid, shall elect some Justices of such county or borough to be a committee on behalf of such county or borough for the purposes of the said asylum, during the year then next ensuing the election; and in case of the incapacity, resignation, or death of any member of the said committee, the said Justices of every county at any General or Quarter Sessions for such county, or the Justices of every borough at a special meeting, may elect a Justice to be a member of such committee for the then remainder of the current year in the place of the member who shall have so become incapable, resigned, or died; and in the month of January in every year the subscribers to every lunatic asylum already erected by voluntary subscription, and which shall have been then united or be intended to be united with any county or counties, borough or boroughs, as aforesaid, under the provisions of any former or of this present Act, or the majority of such subscribers present at a meeting of which such notice shall have been given by public advertisement in some newspaper circulated within the place in which such lunatic asylum shall be situated, shall elect some of such subscribers to be a committee on behalf of such subscribers, for the purposes of such asylum, during the year then next ensuing; and in case

of the incapacity, resignation, or death of any member of the said committee, a majority of the said subscribers present at any meeting called as aforesaid may elect a subscriber to be a member of such committee for the then remainder of the current year in the place of the member who shall have so become incapable, resigned, or died; and in every case in which there shall be or be intended to be an asylum for the sole use of any one county or borough, the committee of Justices elected for such one county or borough as aforesaid shall be the committee of Justices for the visitation, management, providing, and erecting of such asylum, house, or place, and shall be called "the committee of visitors;" and in every case in which any one or more county or counties, borough or boroughs, shall be united together, or with any subscribers as aforesaid, or together, and also with any subscribers as aforesaid, the said committees of such county or counties, borough or boroughs, and subscribers, as the case may be, shall form and be one committee for the visitation, management, providing, and erecting of the asylum for such county or counties, borough or boroughs, as the case may be, and shall be called the "committee of visitors." Provided always, that the number of Justices to be elected to be the committee of visitors of any county or borough having an asylum, house, or place for its sole use shall not be less than seven, and that the number of the Justices of every county and borough, and of every body of subscribers, heretofore united as aforesaid, to be elected to be the committee of visitors, shall be the number specified in the agreement entered into for effecting or regulating such union as aforesaid; and that the number of the Justices of every county and borough, and of every body of subscribers, which shall be hereafter united as aforesaid, to be elected to be the committee of visitors, shall be the number specified in the agreement entered into for effecting such union, but so that the number of Justices for any county to be hereafter united shall not be more than fifteen nor less than seven, or for any borough more than seven nor less than three.

XIII. That if any such Justices or subscribers as aforesaid shall in any year neglect or omit to make such election, or to fill up any vacancy which may have occurred as aforesaid, or there shall be any delay in making or filling up the same, then the committee of visiting Justices, or visitors lastly before appointed, or such of them as shall continue to act, shall be deemed and taken to be the committee of visiting Justices or visitors for the purposes aforesaid until such election as aforesaid shall have been made or such vacancy shall have been filled up.

XIV. That the several persons who shall at first the and at each general annual election be elected members of any committee of visitors shall, within one calendar month after their election, assemble at some convenient place, to be named in a notice previously given by two or more of such visitors or their clerk to the several members of such committee, and that the said visitors may adjourn the said meeting from time to time or from place to place, and meet where and as often as they shall think necessary; and the said visitors shall at their first meeting after their election elect one of their members to be chairman for the year, who shall preside at all meetings at which he shall be present; and in case of the absence of the chairman from any meeting the members of the committee then present shall elect one of such members to be chairman for the meeting, who shall preside at the meeting; and to constitute a meeting of the committee there shall be present not less than three members thereof, except for adjournment, which may be made by less than three; and every question shall be decided by a majority of votes (the chairman, whether permanent or temporary, having a vote), and in the event of an equality of votes on any question the chairman for the time being shall have an additional or casting vote; and every such committee of visitors shall appoint a clerk to such visitors for the purposes of this Act, at such salary or remuneration as such visitors shall think fit, and from time to time, if and when they shall think fit, remove such clerk or any future clerk, and in any such case, and in case of the death or resignation of any such clerk, and as often as the same shall occur, appoint a new clerk.

XV. That if any committee of visitors shall neglect to adjourn any meeting of such visitors, and whenever any circumstance shall render the meeting of such committee necessary or convenient before the time to which their meeting may have been last adjourned, and in any other case in which a meeting of such committee shall be desirable, it shall be lawful for the chairman of the committee, or any two of the visitors, or the clerk of such visitors, to convene a new meeting by a circular letter to each visitor, informing him of the time and place of such meeting, ten days at least before the same shall be held.

XVI. That every committee of visitors may sue and be sued in the name of their clerk; and that no action which may be brought or commenced by or against any such committee of visitors in the name of their clerk shall abate or be discontinued by the death or removal of such clerk, but the clerk for the time being to the visitors shall always be deemed plaintiff or defendant in such action, as the case shall be.

XVII. That the committee of visitors for any county or borough, counties or boroughs, for which an asylum or an additional asylum, or additional accommodation for pauper lunatics shall for the time being be required, shall, subject as hereinafter mentioned, procure, examine, and determine on plans and estimates of and contract for the purchase of lands and buildings (and in the case of buildings either with or without any fittings-up and furniture belonging thereto), and for building, erecting, altering, improving, restoring, furnishing and completing an asylum or additional asylum or additional accommodation for the pauper lunatics of the county or borough, counties or boroughs, for which such visitors, or such of them as shall not be elected by subscribers as aforesaid, shall be appointed, or for those of the same pauper lunatics for whom there shall not be proper accommodation in any existing asylum, or, with the consent of the said Poor Law Commissioners, and of the guardians or overseers of the parish or union, for adapting any workhouse for all or any of the same lunatics who may be chronic lunatics; and, subject as aforesaid, shall also contract for making, laying out, and completing the yards, courts, outlets, grounds, lands, and appurtenances to such asylum or additional asylum or workhouse, and also from time to time to purchase any lands or buildings for the purpose of enlarging or improving any such asylum, workhouse, or the yards, courts, outlets, grounds, land, and appurtenances thereto; and every contractor shall give to the clerk to such visitors, sufficient security for the due performance of the contract; and every such contract, and all orders relating thereto, shall be entered in a book to be kept by the clerk to such visitors; and when such asylum or workhouse and appurtenances, or (as the case may be) the additions to or alterations thereof, shall be declared to be completed, then such book shall be deposited and kept among the records of the county or borough, or, in the case of two or more counties or boroughs having united for the purposes of such contract, among the records of such one of the united counties or boroughs as shall have paid the largest proportion of the expenses of such contract; and every such book may be inspected at all reasonable times by any

person contributing to the rates of such county or counties, borough or boroughs respectively, and also if any part of such expenses has been paid by voluntary subscriptions, by any of such voluntary subscribers; and a copy of every such book shall be kept at the asylum or additional asylum which shall have been erected or provided; and all lands and buildings so to be purchased as aforesaid shall be conveyed to such person or persons as the visitors by whom the same shall be purchased shall think fit, in trust for the purposes of this Act: Provided always, that the said visitors shall from time to time make their report to the General or Quarter Sessions of the county or borough, counties or boroughs, for which they, or such of them as shall not have been elected by subscribers as aforesaid, shall be elected, of the several plans, estimates, contracts, and purchases which shall have been agreed upon, and of the sum or sums of money necessary to be raised and levied for defraying the purchase monies and expenses thereof on the county or borough, or in the case of two or more counties or boroughs having united for such purposes, on each or every of such counties or boroughs, which plans, estimates, contracts, and purchases shall be subject to the approbation of the Court or Courts of General or Quarter Sessions of such county or counties, and of the Justices of such borough or boroughs, before the same shall be completed or carried into execution.

XVIII. That it shall be lawful for any committee of visitors to purchase and take a conveyance for the purposes of this Act from any person having absolute power to sell and convey, independently of this Act, any buildings, lands, or hereditaments, in consideration of a yearly rent-charge or annual sum to be limited to such person, his heirs and assigns, or as he or they shall direct, out of the buildings, lands, or hereditaments to be purchased, and which shall be conveyed to such committee of visitors, subject thereto, and to the usual powers of distress and entry for securing the same.

XIX. That it shall be lawful for any committee of visitors, instead of purchasing any buildings, lands, or hereditaments which they are hereby authorized to purchase, to take a lease thereof for any absolute term of not less than sixty years at such annual rent and under such covenants as the said committee of visitors shall think fit.

XX. That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, by and with the consent in writing of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any three or more of them, and for Her Majesty, by grant signed by the Chancellor of the duchy of Lancaster, and for the council of the duchy of Cornwall, by the lord warden of the Stannaries, in manner required by law, and for the guardians and overseers of the poor of any parish or union of parishes under the direction and with the approbation of the Poor Law Commissioners for England and Wales, and for the visitors or trustees of any building now used or hereafter to be used as an asylum for pauper lunatics, or of any land held therewith, and for any lay or ecclesiastical corporation, aggregate or sole, and for any feoffees or trustees to charitable or other uses, and for any person beneficially seised or entitled in possession as tenant in fee simple, or in fee tail general, or special, or for his own life, or for years determinable on his own life (such estate for life or years not being subject to any rent), or for any term of years in gross, whereof not less than four hundred shall be unexpired, and subject to no equity of redemption or rent, except a nominal rent, and for any married woman entitled or interested as aforesaid to her separate use, whether with or without any restriction as to anticipation, and for the guardian, trustee, husband, or committee of any person so seised or entitled, who shall be an infant, married woman not separately entitled, lunatic, or under any other disability, to dispose of, by way of absolute sale, or in exchange for any buildings, lands, or other hereditaments, any lands, buildings, or other hereditaments for the purpose of the same being used or converted into an asylum for the pauper lunatics or any of the pauper lunatics of any county or borough, counties or boroughs, either alone or together with any other lunatics, or being used as the site of any such asylum, or of being occupied therewith, or for any other purpose relating to the custody, accommodation, or employment of pauper lunatics to be received into such asylum, which the visitors thereof may approve of, with the rights, easements, and appurtenances, and to convey the same and the fee simple and inheritance thereof unto such person or persons as shall be named by the said committee of visitors, and in such manner as the said committee of visitors may direct, and to accept or give any monies by way of equality of exchange.

XXI. That all money which shall be agreed to be paid to any corporation, or to any trustee, guardian, or committee for or on behalf of any infant, ward, lunatic, married woman, or other person under disability, or to any person not having power to sell except under the provisions hereinbefore contained, for the purchase or equality of exchange of hereditaments as aforesaid, shall, in case the same shall exceed the sum of 50*l*., and there shall be no person capable of giving a sufficient discharge for the same, be paid by the said committee of visitors into the Bank of England in the name and with the privy of the Accountant General of the Court of Chancery, to be placed to his account to the credit of the parties who shall be so interested in the said hereditaments, describing them, subject to the order of the said Court of Chancery, which said Court, on the petition of or motion on behalf of any corporation or person making claim to any such money, is hereby empowered summarily to order the investment of such money in the purchase of real estates to be settled to the same uses and upon the same trusts as the lands so sold were previously subject to, or in the public funds, and the distribution of the rents and dividends thereof respectively, according to the respective interests of the claimants thereof, and to make such other order in the premises as to the Court shall seem reasonable; and the cashier of the Bank of England who shall receive such money shall give a receipt to the party paying the same, specifying for what the same is received, which receipt shall be to all intents and purposes a sufficient discharge; but such money, in case the same shall not exceed the sum of 50*l*., shall be paid to the party or parties by whom the sale or exchange shall be made, for his or their own absolute benefit.

XXII. That in case of any doubt or question of title to any money paid into the Bank of England by virtue of this Act or the securities on which the same may be invested, or the dividends or interest thereof, the corporation or person who shall have been in the possession of such hereditaments, interests, or incumbrances at the time of such purchase or exchange, and persons claiming under them, shall be deemed and taken to be lawfully entitled to such hereditaments, interests, or incumbrances until the contrary shall be shewn to the satisfaction of the said Court of Chancery, and the securities and principal and interest monies shall be applied and disposed of accordingly.

XXIII. That in case of such purchase or exchange, payment into the Bank of England, and application to the Court of Chancery as aforesaid, it shall be lawful for the said Court to order the expenses attending such purchase or exchange



payment, and application, or any part thereof, to be paid by the said visitors, who shall accordingly pay the same when and as the said Court shall direct, and the money so paid shall be deemed part of the expenses of such purchase or exchange, and be paid accordingly as hereinbefore is provided.

xxiv. That the provisions hereinbefore contained shall apply to lands, buildings, and other hereditaments of copyhold or customary tenure, and that whenever any contract shall be entered into by any visitors respecting any lands, buildings, or other hereditaments of copyhold or customary tenure, it shall be lawful for such visitors to direct that the actual value of such lands, buildings, or other hereditaments (allowing in such valuation for any fine, heriot, or customary due, payment, or rent, or any service capable of being valued in respect of such lands or buildings or other hereditaments), and also the value of such lands, buildings, or other hereditaments, considered as lands, buildings, or hereditaments held in fee simple, free from incumbrances, shall be ascertained by such means as they shall think fit, and that the difference in such values, when so ascertained, shall be paid to or invested for the use and benefit of the lord of the manor of which such lands or buildings or other hereditaments shall be parcel, or such other person as would be entitled to the fines payable upon death or alienation of the same, or to such heriot, dues, payments, rent, or service respectively; and upon and from the making of such payment or investment such lands or buildings or other hereditaments shall thenceforth be deemed enfranchised, and for ever discharged from every fine, heriot, due, payment, rent, suit, or service, and shall thenceforth be and remain of the tenure of free and common socage: Provided always, that if any such lord of the manor or other person be under any legal disability, the powers and provisions hereinbefore contained enabling persons under disability to convey or otherwise dispose of and deal with property, and for the payment and application of the purchase-money, shall apply to such lord of the manor or other person, and the said difference in value hereinbefore directed to be paid to him or invested for his use and benefit: Provided also, that if such lord of the manor or other person be dissatisfied with the result of such valuations, and shall, within seven days after tender made to him of the amount of the said difference in value, or after notice left at his place or last known place of residence, or with his known agent, of such amount being ready to be paid to him or invested as aforesaid, send notice by the post to the said visitors of such dissatisfaction, it shall be lawful for the visitors to direct further valuations to be made, at or within such period as they may see fit, by two valuers, one to be named by the visitors and the other by such lord of the manor or other person, which two persons so named shall, previously to their entering on their valuations, name a third valuer or umpire to be referred to in case they disagree, and the award of such two first-named valuers, or, if they disagree, of their umpire, shall be binding on all parties; and on payment or investment, under the provisions of this Act, of the difference of such last-mentioned valuations, such lands, buildings, and other hereditaments shall thenceforth be deemed enfranchised and discharged in manner aforesaid, and be and remain of the tenure of free and common socage: and when and so soon as any such enfranchisement as aforesaid shall have been made it shall be lawful for the steward of the manor whereof such lands, buildings, or hereditaments were parcel, and he is hereby required, on the receipt of a certificate under the hand and seal of the clerk of the said visitors of such enfranchisement having been effected, to enter such certificate on the rolls or books of the said manor, and to furnish a copy of such entry, written on parchment, to the said visitors or their clerk, or to such person or persons as they or he may direct, and to certify the same to be a true copy under his hand; and such certificate, or a copy thereof, under the hand and seal of the clerk of the visitors, shall thenceforth be evidence of such enfranchisement.

xxv. That in all future rates, taxes, and levies to be made for any parish or place in which any lands, buildings, or hereditaments already purchased or to be purchased, under the provisions of this or any former Act, for the purposes of any asylum, shall be situate, such land, buildings, or hereditaments, with or without any buildings or additional building to be erected thereon, shall not be assessed to any such rates, taxes, or levies at a higher value and more improved rent than the value or rent at which the same were assessed at the time of such purchase, nor shall any building which under this or any former Act has been or shall be erected or purchased for the purposes of an asylum be assessed to any window tax.

xxvi. That the committee of visitors of every asylum may, of their own authority, from time to time order all such ordinary repairs as may be necessary for such asylum, and if such asylum shall belong to one county or borough only they shall cause the expense of such repairs to be paid by making an order upon the treasurer of such county or borough for the payment thereof, but if such asylum shall belong to one county or borough or to two or more counties or boroughs united together with or separate from any voluntary subscribers, they shall apportion the expense of such repairs, or so much thereof as shall not be raised by voluntary subscription, between or among such counties or boroughs respectively, in respect to any asylum already erected in the proportion in which each county and borough has contributed to the erection thereof, and in respect to any asylum to be hereafter erected in the same proportions as hereinbefore directed with regard to erecting or providing such asylum, and shall cause the proportion of each county or borough to be paid by making an order upon the treasurer thereof for the payment of the proportion to be paid by such county or borough, and every such treasurer shall immediately discharge the same out of any money of such county or borough then in his hands, or which may thereafter come to his hands, not specifically appropriated to any other purpose, and the same may be recovered from him for the benefit of such asylum by the treasurer or clerk thereof, together with all costs and expenses, by an action in any of Her Majesty's courts at Westminster: Provided always, nevertheless, that no order for any repairs, or for the payment of any money which shall exceed the sum of 400*l.*, shall be made, unless due notice of the meeting at which the same shall be ordered shall have been previously given according to the rules and regulations made by the visitors for the time being, nor unless three visitors shall concur in and sign such order.

xxvii. That in the erecting and providing of every asylum hereafter to be erected or provided for the reception of pauper lunatics, and also in enlarging the same or any asylum already erected, regard shall be had to the number of lunatics to be provided for therein who shall be or be deemed curable or dangerous; and in order to prevent such lunatics being excluded from admission into such asylum by reason of the admission or accumulation therein of chronic or incurable lunatics, some separate or additional building shall be provided for chronic or incurable lunatics whenever by reason of the increase in numbers of lunatics the asylum shall be insufficient for the accommodation of all lunatics entitled to be received therein; and in order to secure the immediate admission into every such asylum of all lunatics deemed curable or dangerous a sufficient

number of such chronic or incurable lunatics shall from time to time be transferred from such asylum to such separate or additional building to be provided as aforesaid.

XXVIII. That every committee of visitors shall submit all proposals and agreements for uniting counties and boroughs and other asylums for the purposes of this Act, and all proposals for building or providing asylums, or the buildings, yards, outlets, or appurtenances thereto, or additional accommodation for pauper lunatics, and all contracts and all plans which may be intended to be adopted for such asylums, accommodation, and premises, to the Commissioners in Lunacy, who shall make such inquiries in reference thereto, and to the lunatics to be provided for, as they shall deem proper, and shall report thereon in writing to one of Her Majesty's principal Secretaries of State; and the estimates of the costs and expenses of carrying into execution such contracts for any of the purposes of this Act, in reference to the purchase of land, or the building or providing any asylum or additional asylum or accommodation for pauper lunatics, shall be submitted to Her Majesty's said Secretary of State; and no such proposals, agreements, contracts, estimates, or plans shall be accepted, executed, or carried into effect until the same shall be approved of by the said Secretary of State by writing under his hand and seal.

XXIX. That it shall be lawful for every committee of visitors to contract with the proprietor of any house for the time being licensed for the reception of lunatics for the care and maintenance of the whole or of a portion of the pauper lunatics of the county or counties, borough or boroughs, or any of them respectively, for which such committee shall be acting, or for the use and occupation of all or any part of the licensed house and premises of such proprietor, at such sum, either in gross or by way of annual or other periodical payment or rent, and under and subject to such terms, stipulations, and conditions, as such visitors shall think fit; and every such sum shall be paid out of the same monies or funds, and in the same manner, as the monies which would be paid for the maintenance of such lunatics if they were maintained in an asylum provided by such county or counties, borough or boroughs, under the provisions of this or some former Act of Parliament: Provided always, that every such last-mentioned contract shall be submitted to the Commissioners in Lunacy, and shall be approved by one of Her Majesty's principal Secretaries of State by writing under his hand and seal, and that no such contract shall be made for any longer period than for the term of five years, and that every such contract shall be made to determine on such house ceasing to be duly licensed for the reception of lunatics: Provided also, that no such contract shall, during the term for which it shall be made, exempt any county or borough from the duty and obligation of erecting or providing, or uniting in erecting or providing, an asylum or additional asylum as required by this Act: Provided also, that every licensed house with the proprietor of which any committee shall so contract as last aforesaid shall be subject to the visitation required by this Act, and to all rules and regulations which shall from time to time be made for the management thereof by the committee of visitors with whom any such contract shall be made, and also subject to such visitations, rules and regulations as the same licensed house would have been subject to if no such contract had been made.

XXX. That it shall be lawful for every committee of visitors, with the consent of the majority of the visitors of each county and borough which is united, and with the previous consent of one of Her Majesty's principal Secretaries of State under his hand and seal, to determine and dissolve any union of any counties or boroughs, either together, or together and with any subscribers, whether such union shall have been formed under this Act, or under the Act hereby repealed, or under any former Act, and upon such dissolution, to divide and allot the lands, buildings, hereditaments, chattels, monies, and effects of or belonging to such union between or among the county or counties, borough or boroughs, and subscribers, if any, between which or whom such union shall have existed, in the proportions in which they shall respectively have contributed thereto or shall be interested therein, or in such other proportions and manner as the said visitors, with the approbation of the said Secretary of State, shall think fit; and if on any such division or allotment there cannot be conveniently allotted to any county or borough or subscribers the proper proportion of such county, borough, or subscribers in the lands, buildings, hereditaments, chattels, monies, and effects of such union, there shall be paid to such county, borough, or subscribers such sum of money as the said visitors, with the approbation of the said Secretary of State, may direct, in full or in part satisfaction, as the case may require, of the aforesaid proportion of such county, borough, or subscribers; and every such sum of money shall be raised by the county or counties, borough or boroughs, to or between or among which the lands, buildings, hereditaments, monies, chattels, and effects of the said union shall be allotted (if more than one in such shares as the said visitors, with the approbation of the said Secretary of State, shall think fit), in the same manner and by the same means as other monies are appointed to be raised by counties or boroughs for the purposes of this Act.

XXXI. That it shall be lawful for every committee of visitors, with the previous consent of one of Her Majesty's Principal Secretaries of State under his hand and seal, to sell, either by public auction or private contract, and subject to any conditions, by houses, buildings, and lands, or parts of houses, buildings, or lands, which shall have belonged to and been used as or together with an asylum by the county or counties, borough or boroughs, and subscribers (if any), by whom respectively such committee shall have been elected as aforesaid, or any of the same counties, boroughs, or subscribers respectively; and every conveyance of such houses, buildings, and lands which shall be executed by the persons in whom the same shall then be vested as trustees, or by any three of the members of the committee of visitors who shall sell the same, shall be effectual to convey the same, for all the estate or interest then vested in such trustees, to the purchasers thereof respectively; and the receipt of any three of the committee of visitors who shall sell the same for the purchase-mones shall be a sufficient charge for the same; and the monies which shall be received from any such sale, in case the same shall be made by a committee of visitors of any one county or borough alone, shall be paid to the said committee of visitors, and be applied in carrying into execution the powers and purposes of this Act, or to the treasurer of such county or borough, and be applied for the general purposes thereof, or otherwise as the Justices of such county or borough shall, at some General or Quarter Sessions after the payment thereof, direct; but in case the said sale shall be made by a committee of visitors of any county or borough united with any other county or borough or counties or boroughs, or with any subscribers, the monies which shall be so received shall be paid to the treasurer of the county, borough, or subscribers to which or to whom the property sold shall have belonged, in case it shall have belonged to any one of them, or if the same shall have been the joint property of more than one county or borough, or of any county or counties, borough or boroughs, together with any subscribers, then to the respective treasurers of such county or counties, borough or boroughs, and subscribers, in the proportions in which they shall have been

respectively interested in the property sold; and such monies shall be held and applied by every such treasurer, in the case of a county or borough, as part of the general rates or funds of such county or borough, and in the case of any subscribers, as the majority of such subscribers present at any meeting convened for that purpose shall direct.

xxxii. That no visitor shall have or take or be capable of having or taking any interest or concern whatsoever, either in his own name or in the name of any other person, in any contract or agreement to be made under the authority of this Act, or in relation to the premises, or shall, for any design or plan he may deliver or produce, receive any benefit or emolument whatever.

xxxiii. That in order to pay and defray the monies, costs, and expenses which shall be or shall become payable by any county or borough for any of the purposes of this Act, or the said Act hereby repealed, the Justices of every such county, at any General or Quarter Sessions for the same, may and shall assess and tax a general county rate or rates upon such county, and may and shall fix a sum or rate to be contributed by all places whatsoever within such county, (other than any borough being within such county, or by this Act for the purposes thereof annexed thereto,) and whether such places shall or shall not be liable to contribute to an ordinary county rate; and the council of every borough may and shall assess a general borough rate in the nature of a county rate upon such borough; and the said rates shall be collected, levied, and recovered in the same manner, and by the same powers, authorities, ways, and means, and under the same penalties, as any ordinary rate for such county or borough respectively may by law be collected, levied, and recovered; and the monies, costs, and expenses to be paid or contributed by any county or borough for the purposes of this Act shall be paid by the treasurer of such county or borough, out of the rates aforesaid, to the treasurer of the asylum to which such county or borough shall, either alone or jointly, pay or contribute: Provided always, that it shall be lawful for the town council of any borough, if they shall think fit, to direct that any monies which shall become payable for the purposes of this Act, or any part thereof, shall be paid out of the borough fund of such borough, and such monies shall be paid by the treasurer of such borough out of such fund accordingly.

xxxiv. That when it shall appear by the report in writing under the hands of any two members of the committee of visitors, elected and appointed under this Act or the said Act hereby repealed, that the monies, costs, or expenses incurred or to be incurred or paid by any county or borough for carrying into effect any of the purposes of this Act or the said Act hereby repealed, and whether the same shall be wholly or only in part incurred, will exceed the sum of 5,000*l.*, and in the case of any city, town, parish, place, or district by this Act annexed to a county for the purposes hereof will exceed the sum of 2,000*l.*, then and in such case it shall be lawful for the Justices of every such county in General or Quarter Sessions assembled, or the major part of them, such major part not being less than five, and for the council of every such borough, as the case may be, from time to time to borrow and take up on mortgage of all or any of the rates to be made under the authority of this Act for such county or borough, or on mortgage of all or any such rates, together with all other rates or funds, or any of them, of the same county or borough, all or any of the money required for paying and defraying the monies, costs, and expenses which it shall appear by the said report have been or are to be incurred or paid by such county or borough as aforesaid; and such money may be so raised in any sum or sums, of not less than 500*l.* each, at any rate of interest not exceeding 5*l.* per cent. per annum; and every such mortgage may be made by an instrument in the form contained in the Schedule (B.) hereunto annexed, or to that or the like effect, and shall be executed in the case of a county by the chairman and two or more other Justices present at the time of making such mortgage, and in the case of a borough by affixing the common seal of the borough thereto; and every such mortgage is hereby declared to be evidence that such report has been made as is hereinbefore required, and shall be effectual for securing to the person advancing the sum of money in such mortgage expressed to be advanced, his executors, administrators, and assigns, the repayment of such sum of money, with interest for the same after such rate, and at such time, and in such manner as in such mortgage shall be provided; and the said mortgages shall be numbered in the order of succession in which they shall be granted; and copies or extracts of all such mortgages shall be kept by the clerk of the peace or other proper officer having the custody of the records of the Quarter Sessions of such county, or of the records of such borough, as the case may be; and every person to whom any such mortgage shall be made, his executors or administrators, is hereby empowered, by indorsing his or their name or names on such mortgage, to transfer the same, and his and their right to the principal money and interest thereby secured, unto any person; and every such assignee, his executors or administrators, may in like manner transfer the same again, and so *toties quoties*; and the person to whom such mortgage or any such transfer thereof shall be made, his executors and administrators, shall be a creditor or creditors upon the rates and funds thereby expressed to be mortgaged in an equal degree one with another, and shall not have any preference or priority other than is provided under the powers of this Act.

xxxv. That it shall be lawful for the Justices and council of any county and borough respectively to make application for an advance of any sum necessary for the purposes of this Act, or the said Act hereby repealed, to the Commissioners acting in the execution of an Act, 5 & 6 Vict. c. 9, intituled, 'An Act to authorize the advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries, and Employment of the Poor; and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes,' and of any of the Acts in the above-mentioned Act recited or referred to, and of any Act or Acts passed for amending or continuing the same Acts; and the said Commissioners, and also the Commissioners of Her Majesty's Treasury, or any three or more of them, are hereby empowered, if they shall think fit, to make such advances, upon any such application as aforesaid, upon the security of the county or borough rates or fund by this Act directed to be assessed and raised, or any of them, and without requiring any further or other security than a mortgage of such rates.

xxxvi. That the said Justices or council, as the case may be, shall in every year charge the rates and funds of such county or borough with the sum for the time being required to pay the interest of the money so borrowed on such mortgages, or such of them as shall for the time being remain unpaid, and also with the payment of a further sum not less than one-thirtieth part of the whole of such mortgages at the time of the same being first made; and such sums shall be applied, under the direction of the said Justices or council, in discharge of the interest on the said mortgages, or such of them as shall for the time being remain unpaid, and of so many of the principal sums owing on the said mortgages for the time being

remaining unpaid as such sums, after payment of the interest as aforesaid, will extend to discharge until the whole of the principal monies for which such mortgages shall have been made, and the interest thereof, shall be fully paid and discharged; and the said Justices and council, as the case may be, are and is hereby required to fix one or more days in each year on which such payments shall be made, and shall make orders for assessments in due time, so as to provide for such payments being regularly made; and the said Justices or council, as the case may be, shall, by agreement with the parties or others advancing any money for the purposes of this Act, determine the order or priority in which the several sums advanced shall be respectively discharged; and the Justices of every county and the council of every borough so borrowing money on mortgage as aforesaid are and is hereby required to appoint a proper person to keep an exact and regular account of all receipts and payments in respect of principal monies borrowed or taken up as aforesaid, and the interest thereof, in a book or books, separate and apart from all other accounts, and the said book or books, duly adjusted and settled up to the time being, to deliver annually, in the case of a county, into court at some General or Quarter Sessions for such county, and in the case of a borough, to the council of the borough at such time as such council shall appoint; and the Justices for every such county at such sessions, and the council for every such borough, are and is hereby required carefully to inspect all such accounts, and to make such orders for carrying the several purposes aforesaid into execution as to them shall seem meet.

XXXVII. Provided and enacted, That the Justices of every county, and the council of every borough, borrowing money as aforesaid, shall make provision by means of the rates which they are hereby respectively authorized to make, and by the orders and directions which they are hereby authorized to give, that the whole principal money to be borrowed under the authority of this Act by such county or borough, and all interest for the same, shall be fully paid and discharged within a time to be limited by such Justices or council, not exceeding thirty years from the time of borrowing the same.

XXXVIII. Provided and enacted, That in every case in which any monies shall have been borrowed under the powers of the said Act hereby repealed, it shall be lawful for the Justices of the county or borough for which such monies shall have been borrowed, with the consent of the parties from whom the same shall have been borrowed, to pay off the monies so borrowed, and to raise and borrow the monies necessary for that purpose, and also to repay the said last-mentioned monies, and the interest thereof, under the powers of this Act, as if the same were raised for the purposes of this Act: Provided also, that all monies which have been already borrowed shall be discharged within the time originally fixed for payment thereof, and that all monies to be borrowed under this Act shall be discharged within thirty years from the time of first borrowing the same.

XXXIX. That the asylum to be provided for any county or borough, either solely or jointly, may be without the limits of such county or borough; and that when any asylum provided or to be provided solely or in part for any county or borough, or any part of such asylum, is or shall be situate within the limits of any other county or borough, then and in every such case the Justices of the county or borough to which such asylum shall wholly or partly belong shall have full power and authority to act in such other county or borough, so far as concerns the regulation of such asylum and the powers conferred by this Act, in the like manner as if such asylum and every part thereof were situate within such county or borough.

XL. That every committee of visitors shall, within twelve months after the passing of this Act in the case of every asylum already established, and within twelve months after the completion thereof in the case of every asylum hereafter established, submit the existing general rules, or prepare and submit some proposed general rules, for the government of the asylum under their superintendence, to one of Her Majesty's principal Secretaries of State, for his approval; and such rules, when approved by him, shall be printed, abided by, and observed; and every such committee shall have power, with the like approbation, to alter and vary such rules from time to time as they shall think necessary; and every such committee shall make from time to time such regulations and orders as they shall think fit, not inconsistent with the general rules for the time being in force for the management and conduct of the asylum; and in such regulations there shall be set forth the number and description of officers and servants to be kept, the duties to be required, and the salaries to be paid to them respectively: and every such committee shall from time to time, as occasion may require, appoint a treasurer, who shall keep accounts of all monies received and paid by him on account of the asylum, and such other officers and servants as they shall from time to time find necessary, in proportion to the number of persons confined in such asylum, and at such salaries or wages as they shall think fit, and may at any time dismiss any such treasurer, officer, or servant, and shall from time to time determine the diet of the patients, and fix a certain weekly sum to be paid for each person of the county or borough, and another weekly sum for each person not of the county or borough, erecting the asylum, confined in such asylum, of such amount that the same may be sufficient to defray the whole expense of the lodging, maintenance and care, medicine and clothing, and other expenses requisite for each person, and that the total amount of such weekly sums, after defraying such expenses, may also be sufficient to pay the salaries of the officers and attendants: Provided always, that such rate for a pauper shall in no case exceed 14s. per week, and that the said visitors shall annually audit the accounts of the treasurer and clerk of every asylum, and report the same to the next General or Quarter Sessions for the county or borough, counties or boroughs, and to the council of every borough, at the expense of which such asylum shall have been wholly or partly erected or provided.

XLI. That if the aforesaid rate of 14s. should be found insufficient for the purposes aforesaid, it shall be lawful for the major part of the Justices of the county or borough, or of each of the counties or boroughs, at whose expense such asylum shall have been established, present at any General or Quarter Sessions or any Special Sessions for such county or borough or such counties or boroughs respectively, to make such addition to such rate as to them respectively shall seem fit and necessary, and to make an order or orders accordingly, which order or orders shall be signed by the clerk or clerks of the peace for the county or borough or respective counties or boroughs, and forthwith published in some newspaper commonly circulated within such county or borough, counties or boroughs.

XLII. That in every asylum already erected or provided, or hereafter to be erected or provided, the committee of visitors shall appoint a chaplain for the same, who shall be in priest's orders, and shall be licensed by the bishop of the diocese;

and the said licence shall be revocable by the bishop whenever he shall think fit; and such chaplain, or his substitute, approved by the visitors, shall perform and celebrate, in some convenient place within such asylum, Divine Service according to the rites of the church of England as established by law, on every Sunday, Christmas-day, and Good Friday, and shall also perform and celebrate such service within the said asylum at such other times, and also such other services according to the rites of the church of England as established by law, at such times as the visitors shall direct; and such Committee shall also appoint a medical officer, who shall be resident in such asylum, and a clerk, who shall not be such medical officer, and who may reside in such asylum or not, as the committee shall think fit; and the committee shall have power to remove such chaplain, medical officer, and clerk, and from time to time to appoint another in his stead; and the Committee shall, if they think fit, have power to appoint a visiting physician or surgeon to every such asylum, and shall appoint one of the officers to be the superintendent thereof: Provided always, that if any patient shall be of a religious persuasion differing from that of the established church, a minister of such persuasion, at the special request of such patient or his friends, shall, with the consent of the medical officer of such asylum, be allowed to visit him or her at proper and reasonable times, under such restrictions imposed by the visiting Justices as shall prevent injury to such patient and the other lunatics confined in such asylum; and provided also, that the medical officer of any asylum for chronic lunatics in which there shall for the time being be less than 100 lunatics, need not be resident therein, but the medical officer of every such asylum, if he be not resident therein, shall visit the same three times at the least in every week, and with no longer intervals than one day between any two visits, and on every visit shall personally examine every patient in such asylum, except any patients whom there may be special and sufficient reasons for not so examining, and shall make an entry in a book to be kept therein for that purpose that he has so examined every patient therein, except any patients whom there may be special and sufficient reasons for not so examining, and, in case of there being any patients whom he has not examined, shall enter their names in the said book, and the reasons for not examining them.

XLIII. That in case any superintendent, chaplain, matron, or other officer or servant of any county or borough lunatic asylum shall, from confirmed sickness, age, or infirmity, become incapable of executing the office in person, it shall be lawful for the Justices of the county assembled at the General or Quarter Sessions, and the Justices of any borough at any meeting of such Justices, not being less than five, and they are hereby empowered, to grant to such superintendent, chaplain, matron, or other officer or servant such annuity as they in their discretion shall think proportionate to the merits and time of services of such superintendent, chaplain, matron, or other officer or servant, and may order the payment out of the rates lawfully applicable to the building or repairing such county or borough lunatic asylum: Provided always, that the annual amount paid by way of superannuation or allowance to any retired superintendent, matron, or other officer or servant of any asylum shall not exceed the amount of two-thirds of the salary payable at the time of his or her retirement.

XLIV. That the clerk of every asylum shall keep all books, documents, and instruments which the visitors of the asylum shall be required to keep or direct to be kept, and shall also keep an account of all monies which shall be received or paid on account of the asylum either to or by the treasurer of the asylum, or otherwise, and shall, in the month of March in every year, send a copy of the account of all such monies for the year previous, ending on the 31st of December, to Her Majesty's principal Secretary of State for the Home Department, and to the clerk or clerks of the peace of the county or counties, borough or boroughs to which the asylum shall belong, and also to the Commissioners in Lunacy; and such Commissioners shall, within one month from the receipt of such account, make out an abstract thereof, and lay the same before both Houses of Parliament.

XLV. That not less than three members of every committee of visitors shall, once at the least in every three months, inspect every part of every asylum in which there shall be any lunatics of the county or borough, counties or boroughs for which they shall be visitors, and shall see and examine, as far as circumstances will permit, every lunatic therein, and the order and certificate for the admission of every lunatic admitted since the last visitation of the visitors, and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the condition and management of such asylum and the lunatics therein, and shall sign such book upon every such visit, and such three visitors shall in their visits to every asylum for chronic lunatics be accompanied by the visiting physician or surgeon of the county or borough lunatic asylum, in all cases in which there shall be a visiting physician or surgeon.

XLVI. That the medical officer of every asylum shall on the 1st of January and the 1st of July in every year after the passing of this Act prepare a list of all pauper lunatics then in such asylum, according to the form in the Schedule (C.) No. 1. hereto annexed, and in the case of every asylum not devoted exclusively to chronic lunatics specifying such as in the opinion of the medical officer, and of the visiting physician or surgeon, in case there shall be a visiting physician or surgeon, may be properly placed in an asylum for chronic lunatics; and one copy of every such list shall by such medical officer, within fifteen days after the same shall have been prepared, be laid before the visitors of the asylum, and another shall be transmitted by such medical officers to the clerk of the peace of every or any county and every or any borough to which such asylum solely or jointly belongs, to be by him laid before the Justices of such county or borough; and another copy of such list shall within the same time be transmitted by such medical officer to the Commissioners in Lunacy; and the medical officer of every asylum subject to the provisions of this Act, receiving private patients, shall also on the 1st of January and the 1st of July in every year prepare a list containing the christian and surnames of all the private patients in such asylum in the Form No. 2. in the said Schedule (C.), and shall transmit such list within the same time as aforesaid to the Commissioners in Lunacy.

XLVII. That the clerk of the board of guardians of every parish and union under a board of guardians, and the overseers of every parish not under a board of guardians, shall on the 1st of January in every year, or as soon after as may be, make out and sign a true and faithful list of all lunatics chargeable to the parish or union, in the Form in Schedule (D.) hereto annexed, and shall on or before the 1st of February next succeeding lay one copy of such list before the visitors of the asylum of the county in which such union or parish is situate, and shall transmit one copy of such list to the clerk of the peace of the county or the clerk of the Justices of the borough within which the parish to which each such lunatic is charge-

able is situate, to be by him laid before the Justices acting for such county at their next General or Quarter Sessions, or before the Justices of the borough, another copy of such list to the Commissioners in Lunacy, and another copy thereof to the Poor Law Commissioners; and so much of the Act of 6 Vict., continuing the Poor Law Commission, as requires the clerk to every board of guardians to make out a return of such lunatics as aforesaid on the 15th of August in every year shall, from the passing of this Act, be repealed.

XLVIII. That the medical officer of every parish and union who shall have knowledge that any person chargeable to such parish, or to any parish within such union, is or is deemed to be lunatic, shall within three days after obtaining such knowledge give notice thereof in writing to the overseers of the poor of the parish, if the parish be not within an union, and to the relieving officer of the union if the parish be within an union; and every such overseer and relieving officer who shall have knowledge, either by such notice or otherwise, that any person chargeable to the parish of such overseer, or to any parish within the union of such relieving officer, is deemed to be lunatic, shall within three days after obtaining such knowledge give notice thereof to some Justice of the county or borough within which such parish is situate, and thereupon the said Justice shall by an order under his hand and seal require the overseer or relieving officer of the parish or union to bring such person before him or some other Justice of the said county or borough, at such time and place within three days from the time of such notice being given to such Justice as shall be appointed by the said order; and the said Justice before whom such person deemed to be a lunatic shall be brought shall call to his assistance a physician, surgeon, or apothecary, and examine such person; and if upon view or personal examination of such person, or from other proof, such Justice shall be satisfied that such person is lunatic, and such physician, surgeon, or apothecary, not being the medical officer of such union or parish, shall sign a certificate according to the form in Schedule (E.) No. 1. to this Act annexed, that such person is a lunatic, idiot, or insane person, or a person of unsound mind, such Justice shall, by an order under his hand according to the form in the said Schedule (E.) No. 1. to this Act annexed, direct such person to be received into the asylum of the county or borough in which such parish is situate, or if there be no such asylum, or such asylum be full, then into some house duly licensed, or some hospital registered for the reception of lunatics; and such overseer or relieving officer shall immediately convey or cause the said lunatic to be conveyed to such asylum, house, or hospital, and such lunatic shall be received and confined therein: Provided always, that if any person deemed to be lunatic cannot, on account of his health or other cause, be safely taken before any Justice, such person may be examined at his own abode or elsewhere by one Justice, or by an officiating clergyman of the parish in which he shall be resident, together with an overseer of such parish, or the relieving officer of the union to which the same shall belong; and such Justice or such clergyman, together with an overseer or relieving officer, shall call to their assistance a physician, surgeon, or apothecary, and visit such person deemed to be lunatic; and if upon view or personal examination such Justice or clergyman shall be satisfied that such person is lunatic, and such physician, surgeon, or apothecary shall sign a certificate, according to the form in the said Schedule (E.) No. 1, that such person is a lunatic, idiot, insane person, or person of unsound mind, such Justice or such clergyman, together with an overseer or relieving officer, shall, by an order under his or their hand or hands according to the form in the said Schedule (E.) No. 1, direct such person to be received into the asylum for the county or borough in which such parish is situate, or if there be no such asylum, or such asylum be full, then into some house licensed or hospital registered for the reception of lunatics, and such overseer or relieving officer shall immediately convey or cause the said lunatic to be conveyed to such asylum, house, or hospital, and such lunatic shall be received and confined therein: Provided also, that if the physician, surgeon, or apothecary by whom any such person shall be examined shall certify in writing that he is not in a fit state to be removed, the removal of such person shall be suspended until the same or some other physician, surgeon, or apothecary shall certify in writing that such person is fit to be removed; and every such physician, surgeon, and apothecary is required to give such last-mentioned certificate so soon as in his judgment ought to be given.

XLIX. That every overseer or relieving officer of a parish or union, who shall have knowledge that any person wandering within his district, parish, or union is deemed to be a lunatic, such overseer or relieving officer shall immediately apprehend or take or cause such person to be apprehended and taken before a Justice; and every overseer or relieving officer who shall have knowledge that any person within his district, parish, or union, not being chargeable to any parish, is deemed to be a lunatic, and is under the care of a relative or other person who neglects or cruelly treats him, so that he is not properly taken care of, such overseer or relieving officer shall, within three days after obtaining such knowledge as last aforesaid, give notice thereof to some Justice of the county or borough within which such district, parish, or union is situate; and thereupon the said Justice shall, if he shall think fit, in case such notice shall be given in writing, and upon the oath of the person giving the same, by an order under his hand and seal require the overseer or relieving officer of such district, parish, or union to bring such person before him and some other Justice of the same county or borough, at such time and place, within three days from the time of such notice being given to such Justice, as shall be appointed by the said order; and such Justice before whom such wandering lunatic, or such two Justices before whom such lunatic not being chargeable, shall be taken, shall call to his or their assistance a physician, surgeon, or apothecary, and one of the overseers or the relieving officer of the parish or union in which such person has been apprehended or taken, and shall examine such person; and if upon view or personal examination of such person, or from other proof, the said Justice or Justices shall be satisfied that such person is lunatic, and if not so chargeable as aforesaid, has been neglected or cruelly treated by the relatives or other person under whose care he is, and if such physician, surgeon, or apothecary shall sign a certificate, according to the form in the said Schedule (E.) No. 1. to this Act annexed, that such person is a lunatic, idiot, insane person, or person of unsound mind, such Justice or Justices shall, if he or they think fit, by an order under his or their hand or hands according to the form in the said Schedule (E.) No. 1. to this Act annexed, direct such person to be received into the asylum of the county or borough within which such person shall have been apprehended or taken, or if there be no such asylum, or such asylum be full, then into some licensed house or registered hospital; and such overseer or relieving officer shall immediately convey or cause such lunatic to be conveyed to such asylum, house, or hospital, and such lunatic shall be received and confined therein: Provided always, that if any such person as last aforesaid deemed to be lunatic cannot, on account of his health or other cause, be safely brought before any Justice or Justices aforesaid, such person may be examined at his own abode or elsewhere by one Justice in the case of a wandering lunatic, and by two Justices in the case of a lunatic not being chargeable; and

such Justice or two Justices shall call to his or their assistance a physician, surgeon, or apothecary, and visit such person deemed to be lunatic; and if upon view or personal examination such Justice or Justices shall be satisfied that such person is lunatic, and if not so chargeable as aforesaid has been neglected or cruelly treated by the relatives or other person under whose care he is, and if such physician, surgeon, or apothecary shall sign a certificate, according to the form in the said Schedule (E.) No. 1, that such person is a lunatic, idiot, insane person, or person of unsound mind, such Justice or Justices shall, by an order under his or their hand or hands according to the form in the said Schedule (E.) No. 1, direct such person to be received into the asylum for the county or borough in which such parish is situate, or if there be no such asylum, or such asylum be full, then into some licensed house or hospital registered for the reception of lunatics; and such overseer or relieving officer shall immediately convey or cause the said lunatic to be conveyed to such asylum, house, or hospital, and such lunatic shall be received and confined therein; and the Justice or Justices by whose order such lunatic shall be sent to an asylum, or any two visiting Justices of the asylum to which he shall be sent, shall make an order upon the treasurer of the guardians of the union in which the parish shall be situate from which he shall have been taken, or upon the overseer or overseers of the parish from which he shall have been taken, for the charges of the examination, removal, lodging, maintenance, clothing, medicine, and care of such lunatic, and in case it shall afterwards appear that such lunatic is chargeable to any other parish, then upon the treasurer of the guardians of the union in which such other parish is situate, or upon the overseers of such other parish: Provided also, that if the physician, surgeon, or apothecary by whom any such person shall be examined shall certify in writing that he is not in a fit state to be removed, the removal of such person shall be suspended until the same or some other physician, surgeon, or apothecary, shall certify in writing that such person is fit to be removed; and every such physician, surgeon, and apothecary is hereby required to give such last-mentioned certificate as soon as in his judgment it ought to be given: Provided always, that if it shall appear to the said Justice or Justices, or any two visiting Justices of the asylum in which any such lunatic is confined, that such lunatic hath an estate applicable to his maintenance, and more than sufficient to maintain his family, if any, it shall be lawful for such Justice or Justices, if they or he shall think fit, to make an application in writing under his or their hand and seal or hands and seals to the nearest relative or friend of such lunatic, for the payment of the costs of the removal, examination, and maintenance of such lunatic; and in case such costs shall not be paid within six months after such application, it shall be lawful for such Justice or Justices, if he or they shall think fit, by an order under his or their hand and seal or hands and seals, to direct the overseers of any parish where any goods, chattels, lands, or tenements of such lunatic shall be, to seize and sell so much of the goods and chattels, or take and receive so much of the rents or profits of the lands and tenements of such lunatic as may be necessary to pay the charges of the removal, lodging, maintenance, clothing, medicine, and care of such lunatic, accounting for the same to such Justice or Justices, such charges having been first proved to the satisfaction of such Justice or Justices, and the amount set forth in such order; and if any trustee or other person having the possession, custody, or charge of any property of such lunatic, or if the Governor and Company of the Bank of England, or any other person or persons having in his or their hands any stock, interest, dividend, or annuity belonging or due to such lunatic, shall, upon the production of the order of such Justice or Justices, pay the whole or any part thereof to any overseer or relieving officer, to defray the charges set forth in such order, the receipt of such overseer or relieving officer shall be a good discharge to such trustee, governor, and company, or other person as aforesaid: Provided always, that nothing herein contained shall be construed to extend to restrain or prevent any relation or friend from retaining or taking such lunatic under his own care, if such relation or friend shall satisfy the Justice or Justices before whom such lunatic shall be brought, or the visitors of the asylum in which such lunatic is or is intended to be confined, that such lunatic will be properly taken care of.

L. That if any medical officer of any union or parish as aforesaid shall omit, for more than three days after obtaining knowledge of any chargeable pauper being deemed to be lunatic as aforesaid, to give such notice thereof as is hereinbefore required, or if any overseer or relieving officer as aforesaid shall omit, for more than three days after obtaining knowledge of any chargeable pauper or other person not chargeable being deemed to be lunatic as aforesaid, to give notice thereof to a Justice as aforesaid, or if any constable, overseer, or relieving officer shall omit to apprehend and take such wandering person deemed to be lunatic as aforesaid, such medical officer, overseer, relieving officer, or constable, as the case may be, shall for every such offence forfeit the sum of 10*l*.

LI. That no pauper or other such person as is hereinbefore mentioned shall be received into any asylum, registered hospital, or licensed house, without an order and statement, according to the form and stating the particulars required in the said Schedule (E.) No. 1, under the hands of one Justice, or an officiating clergyman, with one of the overseers or the relieving officer of the parish or union for which such pauper or other person shall be sent as aforesaid, nor without a medical certificate according to the form in the said Schedule (E.) No. 1, signed by one physician, surgeon, or apothecary, and dated not more than seven clear days previous to the reception of such patient; and every person who shall receive any pauper or other such person as is hereinbefore mentioned into any asylum without such order and medical certificate shall be deemed guilty of a misdemeanour.

LII. That no person other than a pauper, or such other person as is hereinbefore mentioned, shall be received into any asylum without an order under the hand of some person, according to the form and containing the particulars required in Schedule (E.) No. 2. to this Act annexed, nor without the medical certificate, according to the form and containing the particulars required in Schedule (E.) No. 2. annexed to this Act, of two persons, each of whom shall be a physician, surgeon, or apothecary, and who shall not be in partnership, and each of whom shall separately from the other have personally examined the person to whom it relates, not more than seven clear days previously to the reception of such person into such asylum, and shall have signed and dated the same on the day on which such person shall have been so examined; and every person who shall receive or detain any person not a pauper in any asylum without such order and medical certificate as aforesaid shall be guilty of a misdemeanour: Provided always, nevertheless, that any person (not a pauper or such other person as hereinbefore is mentioned) may under special circumstances be received into any asylum, upon the certificate of one physician, surgeon, or apothecary alone, provided that such order state the special circumstances which have prevented the person from being examined by two medical practitioners; but in every such case such certificate shall be further signed by



some other physician, surgeon, or apothecary, within three days after the reception of such patient into such asylum; and every person who, having received any person into any asylum as aforesaid, upon the certificate of one medical practitioner alone, as aforesaid, shall keep or permit such person to remain in such asylum beyond the said period of three days, without such certificate having been further signed as aforesaid, shall be guilty of a misdemeanour.

LIII. That any physician, surgeon, or apothecary who shall knowingly sign any such medical certificate as aforesaid which shall untruly state any of the particulars required by this Act shall be guilty of a misdemeanour; and that no certificate signed by any medical officer of the asylum into which the lunatic is received shall be of any avail, or be deemed to be in compliance with the aforesaid provisions regarding such certificate.

LIV. That every such order by a Justice, or clergyman, and overseer or relieving officer, as aforesaid, for the reception of a lunatic into an asylum, shall extend to his admission not only into the principal lunatic asylum of the county or borough, counties or boroughs, but also into any other asylum for the reception of pauper lunatics of such county or borough, and also to any asylum for any other county or borough, or any house licensed or hospital registered for the reception of lunatics: Provided always, that every lunatic shall under every such order as last aforesaid be taken, in the first place, to the principal asylum of the county or borough in which the parish or place from which he is sent shall be situate, and shall there be kept, unless there be no such asylum, or there is a deficiency of room in such principal asylum, or unless there shall be some special circumstances whereby such pauper cannot conveniently be taken in the first place to such principal asylum, which deficiency of room or special circumstance shall be stated in writing upon the order for the reception of such lunatic into any asylum, registered hospital, or house other than the principal asylum aforesaid; and that no such lunatic shall be sent to or detained in any registered hospital or house licensed for the reception of lunatics, except there shall be no asylum, or no asylum in which he can be received, or there shall be some special circumstances whereby he cannot be taken thereto, which shall be stated in like manner as aforesaid; and it shall be lawful for any two visiting Justices of any asylum, by an order in writing under their hands and seals, to direct any overseer or relieving or other officer of any parish, union, county, or borough contributing to any asylum to remove any pauper lunatic chargeable to such parish, union, county, or borough now or at any time hereafter being in any registered hospital, or house licensed for the reception of lunatics, therefrom, to an asylum subject to the regulations of this Act; and such lunatic shall be removed at the expense of such parish, union, county, or borough accordingly; and every such overseer or relieving or other officer as aforesaid who shall for the space of fourteen days after the date of any such order neglect or refuse to remove any lunatic according to such order, and every officer or proprietor of any registered hospital or licensed house who shall refuse to permit any such removal, shall forfeit for every such offence any sum not more than 20*l.* nor less than 2*l.*

LV. That every pauper lunatic chargeable to any parish who shall not be in an asylum or a registered hospital, or a house duly licensed for the reception of pauper lunatics, shall be visited once in every three months by the medical officer of the parish or union to which such lunatic shall belong; and a list of all such lunatics shall be sent once in every three months by such medical officer to the clerk of the peace of the county or borough to which such lunatic shall belong, or in which he shall be resident, to be by him laid before the Justices acting for such county at their next General or Quarter Sessions, or before the Justices of such borough, and to the visitors of the asylum for the county in which such parish or union shall be situate, and to the Commissioners in Lunacy, according to the form in Schedule (F.) to this Act annexed; and the said list shall state whether any such lunatic is or is not, in the opinion of such medical officer, fit to be at large and is properly taken care of; and such list of such lunatics shall be prepared and signed by the medical officer required to make the same: Provided nevertheless, that after an asylum shall be established for any county or borough under the provisions of this Act no pauper who shall have lately become lunatic (whether such pauper shall or shall not have been previously confined in an asylum) shall be received, lodged, or detained in any house or place other than a county or borough lunatic asylum, or a public hospital, or a house duly licensed for the reception of pauper lunatics, for a longer period than shall be requisite for obtaining an order for the removal of such lunatic to such asylum; and if any medical officer shall return any such pauper in any such list as fit to be at large, or shall knowingly sign any such list, untruly setting forth any of the particulars required by this Act, he shall for every such offence forfeit any sum not less than 10*l.* and not exceeding 50*l.*

LVI. That with a view to make room in the principal lunatic asylum for any county or borough, counties or boroughs, for patients deemed capable of cure, it shall be lawful for any three of the visitors thereof, by writing under their hands and seals, from time to time to cause to be removed from such principal asylum to some other asylum, registered hospital, or licensed house any pauper lunatic who shall have been returned in the lists hereinbefore required to be made by the medical officer of such principal asylum as a proper patient to be removed to an asylum for chronic lunatics, and also at any time in like manner to send to the principal asylum any pauper lunatic who shall be confined in the asylum for chronic lunatics, or in some hospital or licensed house; and in case at any time there shall not be in the principal asylum of any county or borough, counties or boroughs, any pauper lunatic who shall have been returned in such lists, the medical officer of such asylum shall, by writing under his hand, report such fact to the Justices of the county or borough, counties or boroughs to which such asylum shall solely or jointly belong, and to the Commissioners in Lunacy, who shall thereupon report the same to one of Her Majesty's principal Secretaries of State; and it shall also be lawful for the Commissioners in Lunacy, or any two of them, by writing under their hands and seals, to direct that any lunatic, and whether returned in such lists as last aforesaid or not, shall be removed from the principal asylum to an asylum for chronic lunatics, or hospital or licensed house, or from an asylum for chronic lunatics, or hospital or licensed house, to the principal asylum, and every such lunatic shall be removed accordingly by the visiting Justices of every such asylum, and no further certificate shall be necessary for any such removal.

LVII. That when any pauper lunatic shall be confined under the provisions of this Act, he shall, for the purposes of this Act, be deemed to belong to and continue chargeable to the parish from which, or at the instance of some officer or officiating clergyman of which, he shall have been sent, until such parish shall in due course of law, as in the case of any other pauper, have established that such lunatic is settled in some other parish, or that it cannot be ascertained in what parish such lunatic



is settled, and that every pauper lunatic who is chargeable to any parish shall, whilst he shall reside in an asylum, be deemed, for the purposes of his settlement, to be residing in the parish to which he is chargeable.

LVIII. That it shall be lawful for any two Justices for the county or borough in which any asylum, registered hospital, or licensed house is situate, or to which such asylum shall wholly or in part belong, or from any part of which any pauper lunatic shall have been sent, at any time to inquire into the last legal settlement of any pauper lunatic confined or ordered to be confined therein; and if satisfactory evidence can be obtained as to such settlement in any parish, township, or place, such Justices shall, by order under their hands and seals, adjudge such settlement accordingly.

LIX. That if any pauper lunatic shall not be settled in the parish by which, or at the instance of some officiating clergyman or officer of which, he shall be sent to any asylum, registered hospital, or licensed house, and it cannot be ascertained in what parish such pauper lunatic is settled, the relieving officer of the union in which such first-mentioned parish is situate, or the overseers of such first-mentioned parish shall give notice to the clerk of the peace of the county in which such lunatic was found to appear for such county before two Justices thereof, at a time and place to be appointed in such notice; and such two Justices, or any two or more Justices of such county, may then and there, upon the appearance of such clerk of the peace, or any one on his behalf, or in case of his non-appearance, upon proof of his having been served with such notice, inquire into the circumstances of the case, and unless the contrary be shewn shall adjudge such pauper lunatic to be chargeable to such county: Provided always, that it shall be lawful for such two Justices to direct such inquiry to be made to ascertain the parish in which any pauper is settled, as they shall think fit, and to delay adjudging a pauper to be chargeable to any county until such further inquiry shall have been made; and provided also, that every county to which any pauper lunatic shall be adjudged to be chargeable as aforesaid may at any time thereafter inquire as to the parish in which such lunatic is settled, and may procure such lunatic to be adjudged to be settled in any parish.

LX. That in every case of an inquiry, investigation, dispute, or appeal as to the parish in which a pauper lunatic is settled, the guardians, clerks of the guardians, relieving officers, and overseers of every union including any parish, or of any parish which parish respectively is interested in such inquiry, investigation, dispute, or appeal, and every person duly authorized by them respectively, and the clerk of the peace for any county interested in such inquiry, investigation, dispute, or appeal, and every person duly authorized by such clerk of the peace, shall at all reasonable times be allowed free access in the presence of the medical attendant to the lunatic to examine him as to the premises.

LXI. That it shall be lawful for the Justice or Justices by whom any lunatic shall be sent to an asylum, registered hospital, or licensed house, under the powers of this Act, or for any two Justices being visitors of any asylum to which a lunatic shall be sent or removed, to make an order upon the treasurer of the guardians or other officer of the union or parish, or the overseers of the parish from which, or at the instance of any officer or clergyman of which, such lunatic shall have been sent or removed, for payment to the treasurer, officer, or proprietor of the asylum, registered hospital, or licensed house of the reasonable charges of the lodging, maintenance, medicine, clothing, and care of such lunatic in such asylum, hospital, or house; and every treasurer of the guardians or overseers on whom such order shall be made shall, out of any monies which may come into his hands by virtue of his office, from time to time pay to the said treasurer, officer, or proprietor the charges aforesaid.

LXII. That if, after any lunatic shall have been sent to an asylum, registered hospital, or licensed house, it shall be adjudged that such lunatic is settled in a parish different from the parish from which, or at the instance of some clergyman or officer of which, he was sent to such asylum, hospital, or house, then and in such case it shall be lawful for any two Justices of the county from any part of which any lunatic shall have been sent, or for any two Justices, members of the committee of visitors of such asylum, to make an order or orders upon the treasurer of the guardians of the union, including any parish, or of any parish or the overseers of the parish in which such lunatic shall be so adjudged to be settled, for payment to the treasurer of the guardians or overseers of the first-mentioned union or parish of all expenses incurred by or on behalf of such union or parish in or about the examination of such lunatic, and his conveyance to the asylum, hospital, or house, and of all monies paid by the treasurer of the guardians, or the overseers of such first-mentioned union or parish, to the treasurer, officer, or proprietor of the asylum, registered hospital, or licensed house for the lodging, maintenance, medicine, clothing, and care of such lunatic, and incurred within twelve calendar months previous to the date of such order, and also for payment to the treasurer, officer, or proprietor of the asylum, registered hospital, or licensed house, of the reasonable charges of the future lodging, maintenance, medicine, clothing, and care of such lunatic; and every treasurer of the guardians or overseer on whom any such last-mentioned order shall be made shall, out of any money which may come into his hands by virtue of his office, immediately pay to the treasurer of the guardians or overseers of such first-mentioned union or parish the amount of the expenses and monies by such order directed to be paid to him or them, and from time to time pay to the said treasurer, officer, or proprietor of the asylum, registered hospital, or licensed house the future charges aforesaid: Provided always, that the guardians of any union or parish, or the overseers of any parish, township, or place, affected by such order, may appeal against the same in like manner as if the same were a warrant of removal; and in case of such appeal the guardians of the union or parish, or the overseers of the parish, township, or place, or the clerk of the peace of the county to which such lunatic was chargeable before such order was made, may defend such appeal, and the persons appealing or intending to appeal, and the persons defending such appeal, shall have all the same powers, rights, and privileges, and be subject to the same obligations, in all respects as in the case of an appeal against a warrant of removal.

LXIII. That if, either before or after any lunatic shall have been sent to an asylum, registered hospital, or licensed house, it shall be ascertained or adjudged in due course of law that such lunatic is chargeable to a county, it shall be lawful for any two Justices, members of the committee of visitors of such asylum, or any two Justices of the county in which such asylum, registered hospital, or licensed house is situate to make an order or orders upon the treasurer of such county to be chargeable as aforesaid for payment to the treasurer of the guardians or overseers of any union or parish of all expenses incurred by or on behalf of such union or parish in or about the examination of such lunatic, and his conveyance to the asylum, registered hospital, or licensed house, and of all monies paid by the treasurer of the guardians or overseers of such

union or parish to the treasurer or an officer or proprietor of the asylum, registered hospital, or licensed house, for the lodging, maintenance, medicine, clothing, and care of such lunatic, and incurred within twelve calendar months previous to the date of such order, and also for payment to the treasurer, officer, or proprietor of the asylum, registered hospital, or licensed house of the reasonable charges of the future lodging, maintenance, medicine, clothing, and care of such lunatic; and every such treasurer of a county on whom any such order shall be made shall, out of any monies which may come into his hands by virtue of his office, immediately pay to the treasurer of the guardians or the overseers of such union or parish the amount of the expenses and monies by such order directed to be paid to him or them, and from time to time pay to the said treasurer, officer, or proprietor of the asylum, registered hospital, or licensed house the future charges aforesaid.

XLIV. That if after any lunatic shall have been sent to an asylum, registered hospital, or licensed house as aforesaid, and shall have been adjudged in due course of law to be chargeable to a county, such county shall afterwards procure in due course of law such lunatic to be adjudged to be settled in any parish, it shall be lawful for any two Justices, members of the committee of visitors of such asylum, or any two Justices of the county in which such asylum, registered hospital, or licensed house is situate, to make an order upon the treasurer of the guardians of the union, including any parish, or of any parish, or the overseers of any parish, for payment to the treasurer of the said county of all expenses and monies paid by such last-mentioned treasurer as hereinbefore is provided, and incurred within twelve calendar months previous to such order, and also for payment to the treasurer or officer or proprietor of the asylum, registered hospital, or licensed house of the reasonable charges of the future lodging, maintenance, medicine, clothing, and care of such lunatic; and every such treasurer of the guardians or overseers on whom any such order shall be made shall, out of any monies which may come into his hands by virtue of his office, immediately pay to the treasurer of such county the amount of the expenses and monies by such order directed to be paid to him, and from time to time pay to the said treasurer, officer, or proprietor of the asylum, registered hospital, or licensed house the future charges aforesaid.

XLV. That in any case where application shall be made to the committee of visitors of any asylum by any relative or friend of a pauper lunatic confined therein, requiring that he may be delivered over to the custody and care of such relative or friend, it shall be lawful for any three members of the committee of visitors aforesaid, if they shall think fit, and upon the undertaking in writing of such relative or friend to the satisfaction of such visitors that such lunatic shall be no longer chargeable to any union, parish, county, or borough, and shall be properly taken care of, and shall be prevented from doing injury to himself or others, to discharge such lunatic.

XLVI. That it shall be lawful for any Justices, being members of the committee of visitors of any asylum, to make any such order as aforesaid upon the treasurer of the guardians or overseers of any union or parish, although such union or parish may not be within the jurisdiction of such Justices, and that any such Justices may make any such order as aforesaid upon the treasurer of any county or borough, although such Justices shall not have jurisdiction therein.

XLVII. That if any person shall feel aggrieved by any refusal of an order of any Justice or Justices as aforesaid, such person may appeal to the Justices at the next General or Quarter Sessions of the Peace for the county or borough where the matter of appeal shall have arisen, the person so appealing having given to the Justice or Justices against whom such appeal shall be made fourteen days' notice of the intention to make such appeal, and the said Justices at such sessions are hereby authorized and required to hear and determine the matter of such appeal in a summary way, and such determination as they shall make shall be final and conclusive to all intents and purposes whatsoever.

XLVIII. That if any treasurer of a board of guardians, or any relieving officer or overseer, or any treasurer of any county upon whom any order of Justices for the payment of money under the provisions of this Act shall have been made, shall, for the space of twenty days next after due notice of such order, refuse or neglect to pay the money so ordered to be paid, the said money, together with the expenses of recovering the same, shall be recovered by distress and sale of the goods of the treasurer, overseer, or relieving officer so refusing or neglecting, or any of them, by warrant under the hands and seals of any two Justices hereby authorized to make the order for payment of the money aforesaid, or by an action at law against such treasurer, overseer, or relieving officer; and in case of any action no objection shall be taken to any default or want of form in any order of admission or maintenance, or in any certificate or adjudication under this Act, if such order or adjudication shall not have been appealed against, or if appealed against shall have been affirmed.

XLIX. That any physician, surgeon, or apothecary to be appointed by the guardians of any union or parish, or the overseers of any parish, and also the guardians or any appointed member of the guardians of any union or parish, and also the overseers of any parish, shall be permitted, whenever they shall see fit, between the hours of eight in the morning and six in the evening, to visit and examine any or every pauper lunatic belonging to such union or parish confined in any asylum, registered hospital, or licensed house: Provided always, that if the medical officer of any asylum shall be of opinion that it will be injurious to any lunatic to permit such visit and examination, and such medical officer shall state in writing the reasons why such lunatic should not be visited and examined, and shall sign such statement, and deliver the same to the person or persons so requiring to visit and examine such lunatic, then and in such case it shall be lawful for such medical officer to refuse such visit and examination.

LXX. That whenever it shall appear to the committee of visitors of any asylum that such asylum is more than sufficient for the accommodation of all the pauper lunatics of the county or borough, counties or boroughs for which the same shall have been provided, the committee of visitors shall give notice thereof by advertisement in some newspaper commonly circulated in such county or borough, counties or boroughs, and it shall be lawful for such visitors, and also for the Justices of a county or counties in General or Quarter Sessions for such county or counties, and the Justices of a borough or boroughs at a special meeting or meetings, (subject nevertheless and without prejudice to any agreement in that behalf with any voluntary subscribers,) to make an order for the admission of so many pauper lunatics of any other county or borough as to them shall seem expedient, under the conditions and regulations following; (that is to say,) that no such lunatic shall be admitted into such asylum without an order and one certificate according to the form in Schedule (E.) No. 1, and indorsed by a visitor of

the said asylum, or a Justice of some county or borough to which such asylum solely or jointly belongs, nor without undertaking by the minute of the guardians or signed by two of the overseers of the union or parish to which such lunatic shall belong for the due payment of the weekly allowance and other expenses attendant upon the lodging, maintenance, medicine, clothing, and care of such lunatic during his continuance in such asylum, as well as for the removal of such lunatic from such asylum within three days after due notice given in writing by the superintendent of such asylum: Provided always, that the provision for the maintenance of such lunatics to be so admitted shall be fixed by the visitors at such rate as shall in their judgment be sufficient to cover every expense liable to be incurred on account of each such lunatic, or at any higher rate; but that so much of such rate as shall exceed the sum usually charged at such asylum for the maintenance of any pauper lunatic belonging to the county or borough for which such asylum shall be erected, or any parish situate therein, shall be deemed to be and shall be leviable as any monies hereby directed to be raised for erecting and providing an asylum for any county or borough.

LXXI. That it shall be lawful for any three members of the committee of visitors of any asylum, by writing under their hands and seals, to order the removal or discharge of any person confined in any such asylum, whether such person shall be recovered or not, and also for any three members of the committee of visitors, by writing under their hands and seals, by and with the advice and consent in writing of the medical officer of such asylum, to permit any person who shall be confined in such asylum, and shall be deemed convalescent, to be absent either wholly or partly from the asylum, upon trial, for such period not exceeding one month as such visitors shall think fit, and to make such allowance to such person, not exceeding the sum which he would cost if in the asylum, which shall be and be deemed his cost in the asylum, and also, with the like consent, to discharge therefrom any person confined therein, whose recovery may be certified by such medical officer; and every person who shall have been sent to any asylum as a pauper lunatic shall be safely kept therein until such order for his removal, trial, or discharge shall have been given as aforesaid; and if any superintendent, officer, or servant in any asylum shall, through wilful neglect or connivance, permit such person in any case to quit or escape from such asylum, or be at large without such order as aforesaid, he shall for every such offence forfeit and pay any sum not more than 20*l.* nor less than 2*l.*

LXXII. That on the regular discharge or removal of any pauper from any asylum the necessary expenses attending the said discharge or removal of such pauper shall be borne by the union or parish (if any) to which such pauper shall then be deemed to belong, as hereinbefore is provided, or if such pauper shall then be chargeable to a county as hereinbefore is provided, then by such county; and such expenses, being proved to the satisfaction of and allowed by two Justices for the county in which such union, parish, or asylum shall be situate, or for the county to which such pauper shall be chargeable, shall be paid by the guardians or overseers of such union or parish out of the money raised therein for the relief of the poor, or by the treasurer of such county out of the rates of such county.

LXXIII. That the clerk of every asylum shall, immediately on the admission of any person as a lunatic into such asylum, make an entry with respect to such lunatic in a book to be kept for that purpose, to be called "The Register of Patients," according to the form and containing the particulars specified in the Schedule (G.) No. 1. to this Act, except as to the form of disorder, the entry as to which is to be supplied by the medical officer of the asylum within one month after the admission of the patient, and after the second and before the end of the seventh clear day from the day of the admission of any person as a lunatic into any asylum shall transmit to the Commissioners in Lunacy a copy of the order and certificate or certificates on which such lunatic has been so received, together with a statement to be made and signed by the medical officer of the asylum, according to the form in the said Schedule (E.) No. 3. to this Act annexed; and any clerk omitting so to make such entry, or to transmit such copy and statement, within the time aforesaid, and every medical officer omitting to make or sign such statement, shall for every such offence forfeit the sum of 20*l.*

LXXIV. That in every asylum the medical officer thereof shall once in every week enter into a book to be kept for that purpose, to be called "The Medical Journal," a statement according to the form in the said Schedule (G.) No. 3, shewing the number, sex, and state of health of all the patients then in such asylum, the christian and surname of every patient then under restraint, seclusion, or under medical treatment, the condition of the asylum, and every death, injury, and violence which shall have happened to or affected any patient since the then last preceding entry, and shall also enter into a book, to be called "The Case Book," as soon as may be after the admission of any patient, the mental state and bodily condition of every patient at the time of his admission, and also the history from time to time of his case whilst he shall continue in the asylum; and such books shall from time to time be regularly laid before the visitors, for their inspection and signature; and every medical officer, omitting to make such entries or any of them shall for every such offence forfeit the sum of 20*l.*

LXXV. That in case of the death of any patient in any asylum, a notice and statement, according to the form in Schedule (E.) No. 4, of the cause of the death of such patient, and the name of any person or persons who were present at the death, shall be drawn up and signed by the clerk and medical officer of such asylum, and a copy thereof shall be by the clerk transmitted to the registrar of deaths for the district, and to the clerk of the peace of the county or borough, counties or boroughs, by which the asylum is provided, and to the Commissioners in Lunacy, within forty-eight hours of the death of such patient, and also the relieving officer or the overseer of the union or parish or other person who shall sign the statement accompanying the order for the admission or confinement of any lunatic; and every medical officer or superintendent who shall neglect or omit to draw up, sign, or transmit such statement as aforesaid shall respectively forfeit and pay any sum not more than 20*l.* nor less than 2*l.*

LXXVI. That the clerk of every asylum shall, within three clear days after the death, discharge, or removal of any patient, make an entry thereof in the said register of patients, according to the form and containing the particulars in the said Schedule (G.) No. 2. to this Act; and every such clerk who shall not, within such three clear days after the death, discharge, or removal of every lunatic as aforesaid, make such entry as aforesaid, shall forfeit and pay any sum not less than 2*l.* nor exceeding 10*l.*; and every such clerk who shall knowingly and wilfully in such entry untruly set forth any of the particulars required shall be guilty of a misdemeanour.

**LXXVII.** That if any superintendent, officer, nurse, attendant, servant, or other person employed in any asylum, under the regulations of this Act, shall in any way abuse, ill-treat, or wilfully neglect any lunatic confined therein, he shall be deemed guilty of a misdemeanour.

**LXXVIII.** That every complaint and information of and for offences against this Act, where any pecuniary penalty is hereby imposed, may be made before one Justice; and such Justice may summon the person complained of to appear at a time and place to be named in such summons; and if he shall not appear accordingly, and upon proof of the due service of the summons (either personally or by leaving the same at his last or usual place of abode), any two Justices may issue their warrant for apprehending such person, and bringing him before any two Justices; and any two Justices shall and may, upon the appearing of such person pursuant to such summons, or upon such person being apprehended with such warrant, hear the matter of every such complaint and information, by examination of any witnesses upon oath, and make such determination thereon as such Justices shall think proper; and upon conviction of any person such Justices may, if they shall think fit, reduce the amount of the penalty by this Act imposed for such offence to any sum not less than one fourth of the amount thereof, except where otherwise provided, and shall and may issue a warrant under their hands and seals for levying such penalty or reduced penalty, and all costs and charges of such summons, warrant, hearing, and all incidental costs and charges, by distress and sale of the goods and chattels of the person so convicted; and it shall be lawful for any such two Justices to order any person so convicted to be detained and kept in the custody of any constable or other peace officer until return can be conveniently made to such warrant of distress, unless the said offender shall give security to the satisfaction of such Justices, by way of recognizance or otherwise, for his appearance before such Justices on such day as shall be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security; but if upon the return of such warrant of distress it shall appear that no sufficient distress can be had whereupon to levy the said penalty, and such costs and charges as aforesaid, and the same shall not be forthwith paid, or if it shall appear to the satisfaction of such Justices, either by the confession of the offender or otherwise, that the offender hath not sufficient goods and chattels whereupon such penalty, costs, and charges may be levied, such Justices shall and may, by warrant under their hands and seals, commit such offender to the common gaol or house of correction for any term not exceeding three calendar months, unless such penalty, and all such costs and charges as aforesaid, shall be sooner paid; and all such penalties, when recovered, shall be paid into the hands of the treasurer of the asylum for the county or borough, or the united counties or boroughs, where the offence shall be committed, or to the secretary of the Commissioners in Lunacy, whichever shall prosecute for such offence, and the overplus (if any) arising from such distress and sale, after payment of the penalty, and all costs and charges as aforesaid, shall be paid to the owner of the goods and chattels so distrained.

**LXXIX.** That the Justices before whom any person shall be convicted of any offence against this Act for which a pecuniary penalty is imposed may cause the conviction to be drawn up in the following form, or in any other form to the same effect, as be case may require, and that no conviction under this Act shall be void through want of form:

Be it remembered, That on the	Day of	in the Year of our Lord	at	in
the County [or Borough] of	A.B. was convicted before us	did	of Her Majesty's Justices of the Peace	
for the said County [or Borough], for that he the said	for that he the said	did	; and we the said	adjudge
the said	for his Offence to pay the Sum of	Pounds.'		

**LXXX.** Provided and enacted, That any person who shall think himself aggrieved by any order or determination of any Justices under this Act, other than orders adjudicating as to the settlement of any lunatic pauper, and providing for his maintenance, may, within four calendar months after such order or determination made or given, appeal to the Justices at General or Quarter Sessions, the person appealing having first given at least fourteen clear days' notice in writing of such appeal, and the nature and matter thereof, to the person appealed against, and forthwith after such notice entering into a recognizance before some Justice of the Peace, with two sufficient sureties conditioned to try such appeal, and to abide the order and award of the said Court thereupon; and the said Justices at General or Quarter Sessions, upon proof of such notice and recognizance having been given and entered into, shall in a summary way hear and determine such appeal, or, if they think proper, adjourn the hearing thereof until the next General or Quarter Sessions, and, if they see cause, may reduce any penalty or forfeiture to not less than one-fourth of the amount imposed by this Act, and may order any money to be returned which shall have been levied in pursuance of such order or determination, and may also award such further satisfaction to be made to the party injured, or such costs to either of the parties, as they shall judge reasonable and proper; and all such determinations of the said Justices at General or Quarter Sessions shall be final, binding, and conclusive upon all parties to intents and purposes whatsoever.

**LXXXI.** That every city, town, liberty, parish, place, or district, not being a borough or part of a borough within the meaning of this Act, shall for all the purposes of this Act be annexed to and be treated and rated as part of the county within which the same is situate, or if such city, town, liberty, parish, place, or district be situate partly in one county and partly in another, then to and as such one of the same counties as one of Her Majesty's principal Secretaries of State shall, by writing under his hand and seal, direct, and shall contribute rateably to the expenses of the asylum of the county to which it is or shall be so annexed, whether such asylum has been provided before or shall be provided after the passing of this Act, and shall for the purposes of this Act be within the jurisdiction of the Justices of such county; and in every case in which any such city, town, liberty, parish, place, or district as aforesaid shall be annexed to a county in which an asylum has been already erected or provided, the present or any future committee of visitors of such asylum shall, as soon as conveniently may be after the passing of this Act, or after such annexation shall be made, fix a sum to be paid by the city, town, liberty, parish, place or district which is or shall be so annexed towards the expenses then already incurred in erecting or providing such asylum in due proportion to the population of such city, town, liberty, parish, place, or district, and of the county to which it all be annexed, according to the last returns under the authority of Parliament, and the same shall be paid by every such city, town, liberty, parish, place or district, to the treasurer of such asylum, and shall be levied and raised by such city, town, liberty, parish, place, or district by a rate to be made therein, in the same manner as any rate to be made therein for the purpose of levying or raising any other monies hereby directed to be levied and raised for the purposes of this Act; and the

Justices for the county to which such city, town, liberty, parish, place, or district is or shall be annexed as aforesaid in General or Quarter Sessions, are hereby authorized and required to make such rate as aforesaid; and the sum so paid by such city, town, liberty, parish, place or district shall be applied by the treasurer of the asylum to whom the same shall have been paid in such manner as the committee of visitors shall direct, according to the provisions and for carrying into execution the purposes of this Act.

LXXXII. That the council of every borough which shall, by writing under their common seal, give notice to Her Majesty's principal Secretary of State for the Home Department of the intention of such council to take upon itself the duties, powers, and authorities hereinbefore imposed or conferred upon or given to the Justices of the borough, shall from thenceforth be subject to, and have and exercise all the duties, powers, and authorities of and for erecting and providing asylums, and carrying into execution the purposes of this Act, which by this Act are imposed or conferred upon or given to the Justices of such borough, or upon any committee of visitors to be appointed as directed by this Act, and all matters and things which in this Act are required to be done at any General or Quarter Sessions may and shall thenceforth be done at any meeting of the council of such borough; and all notices which by this Act are required to be given to or by the clerk of the peace shall and may thenceforth be given to or by the town clerk of such borough.

LXXXIII. That it shall and may be lawful for the council of any such borough to confer upon any committee to be appointed by such council such of the powers and authorities which by this Act are conferred upon any committee of visitors to be appointed thereunder as to such council shall seem fit.

LXXXIV. That in this Act the words and expressions following shall have the several meanings hereby assigned to them, unless there shall be something in the subject or context repugnant to such construction; (that is to say,)

"Borough" shall mean every borough, town, and city corporate having a Quarter Sessions, recorder, and clerk of the peace:

"County" shall mean every county, riding and division of a county, county of a city, county of a town, and shall include every city, town, parish, place, or district by this Act annexed to a county for the purposes hereof:

"Lunatic" shall mean every insane person, and every person being an idiot or lunatic, or of unsound mind:

"Pauper" shall mean every person maintained wholly or in part by or chargeable to any parish, union, county, or borough, or sent to any asylum, licensed house, or registered hospital by any Justice or officiating clergyman and overseer or relieving officer:

"Justice" shall mean Justice of the Peace:

"Overseer" shall mean overseer of the poor of any parish, or any person acting as such:

"Relieving officer" and "clerk of the guardians" shall respectively mean such relieving officer and clerk of the guardians, and any person acting as such respectively:

"Parish" shall mean any parish, township, vill, tithing, extra-parochial place, or place maintaining its own poor:

"Borough rate" shall mean a borough fund or rate, and any funds assessed upon or raised in or belonging to any borough in the nature of borough rates, and applicable to the purposes to which borough rates are applicable:

"County rate" shall mean a county rate, and any funds assessed upon or raised in or belonging to any county in the nature of county rates, and applicable to the purposes to which county rates are applicable:

"Clerk of the peace" shall mean every clerk of the peace, and every person acting as such, or any deputy duly appointed:

"Medical officer" shall mean every physician, surgeon, and apothecary who shall in his medical capacity superintend or visit any asylum:

"Treasurer of the borough" shall mean every officer who has the custody of any monies raised by a borough rate:

"Treasurer of the county" shall mean every officer who has the custody of any county rate, or of any rate of any city, town, parish, place, or district by this Act annexed to a county for the purposes hereof:

"Asylum" shall mean any asylum, house, workhouse, building, or place already erected or provided under the provisions of an Act, 48 Geo. 3. c. 96, intituled, 'An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals in England,' or under the provisions of the said Act hereby repealed, or subject to the provisions of the said Acts or either of them, or to be erected or provided under the provisions of this Act:

"Oath" shall include affirmation or other declaration or solemnity lawfully substituted for an oath in the case of Quakers or other persons exempted by law from the necessity of taking an oath:

And words and expressions importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

LXXXV. That nothing in this Act contained shall extend to the Royal Hospital of Bethlehem, or any building erected adjacent thereto, and used therewith.

LXXXVI. That this Act shall extend only to England and Wales.

LXXXVII. That this Act may be amended or repealed during this present session of Parliament.

#### SCHEDULES referred to by the foregoing Act.

##### SCHEDULE (A.)

FORM of AGREEMENT for uniting Counties, Boroughs, and Lunatic Asylums maintained by voluntary Subscription [as the Case may be] for the purpose of erecting or providing an Asylum [or additional Asylum or Accommodation] for the Reception of Lunatics.

It is agreed this \_\_\_\_\_ Day of \_\_\_\_\_ by and between the Committees of Justices of the Peace for the County and Borough, or Counties and Boroughs of \_\_\_\_\_ or the Committee of the Subscribers of the Lunatic Asylum of \_\_\_\_\_ [as the Case may be], severally appointed to treat for the uniting of the said County and Borough or Counties and Boroughs [or \_\_\_\_\_ Lunatic Asylum, as the Case may be,] for the purposes of an Act passed in the \_\_\_\_\_ Year of Her Majesty Queen Victoria, intituled, 'An Act' [here insert the Title of this Act], that the said

The County of	Four Ninths of the said Expenses.
The County of	Two Ninths of the same.
The Borough of	One Ninth of the same.
The Lunatic Asylum of	Two Ninths of the same [ <i>as the Case may be.</i> ]

And it is further agreed, that the Committee of Visitors to superintend the building, Erection, and Management of the said County Lunatic Asylum shall be formed in the following Proportion: the Justices of the Peace for the said County of \_\_\_\_\_ shall appoint \_\_\_\_\_ the Justices of the Peace for the Borough of \_\_\_\_\_ shall appoint \_\_\_\_\_ and the Subscribers to the said Lunatic Asylum of \_\_\_\_\_ shall appoint \_\_\_\_\_: And hereunto we, the undersigned, being the major Part of each of the Committees of Justices of the Peace for the said several Counties and Boroughs, and the major part of the Committee of Subscribers to the said Lunatic Asylum, do, on the part and behalf of the said Counties and Boroughs and Lunatic Asylum, set our Hands and Seals, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_

W<sub>e</sub>, the Chairman of the Court of Quarter Sessions of the Peace of the County of  
 holden at the Day of and Two other of Her Majesty's Justices  
 of the Peace for the said County, assembled in the said Court, [or we, the Mayor and Council of the Borough of  
*as the Case shall be,*] in pursuance of the Powers to us given by an Act passed in the Year of the Reign  
 of Her Majesty Queen Victoria, intituled, 'An Act' [*here insert the Title of this Act,*] do hereby mortgage and charge all  
 the Rates and Funds to be raised and paid within the said County [or Borough, *as the Case may be,*] under the Description  
 of County Rates or Borough Fund or Rates, with the Payment of the Sum of which  
 of hath advanced and paid towards defraying the Expenses of purchasing Lands, and for building  
 and repairing, &c. [*as the Case shall be,*] a Lunatic Asylum for the said County [or Borough, or the united Counties and  
 Boroughs of, &c. [*as the Case may be,*] and we do hereby grant and confirm the same Rates and Funds unto the said  
 his Executors, Administrators and Assigns, for securing the Repayment of the said Sum  
 of and Interest for the same after the Rate of per Centum per Annum, and do order  
 the Treasurer for such County, &c. [or Borough, &c., *as the Case shall be,*] to pay the Interest of the said Sum of  
 half-yearly, as the same shall become due, until the Principal shall be discharged, at the Times and in the Manner agreed  
 upon between the said and the said Justices [or the said Mayor and Council, *as the Case may be,*]  
 pursuant to the Directions of the said Act.

NAMES of all PAUPER LUNATICS in the ASYLUM at \_\_\_\_\_ for the County or Borough or Counties or Borough  
 of \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ 184 .

Names of those chargeable to Union or Parish.	Date of Admission.	Names of those chargeable to County.	Date of Admission.	Names of Criminals.	Fit for Removal.

**Medical Officer.**

No. 2.

NAMES of all PRIVATE LUNATICS in the ASYLUM for the County or Borough or Counties and Boroughs of  
 the Day of 184 .

оп

***A. B.***

**C. D.**

**This is a correct Return.**

(Signed)

**Medical Officer.**

**Dated**

**SCHEDULE (D.)**

### FORM OF ANNUAL RETURN.

A TRUE LIST of all LUNATICS and IDIOTS, chargeable to the Parishes comprised within [such Part of] the Union [as is situate] [or to the Parish of ] in the County of specifying the Names, Sex, and Age of each, and whether dangerous or otherwise, and for what Length of Time they have been supposed to be of unsound Mind, and where confined, or how otherwise disposed of.

[illegible]

Signed by me this

Day of

18

**A. B.**

**Clerk to the Board of Guardians of the said Union.**

[or Overseer of the said Parish.]

**SCHEDULE (E.) No. 1.**

### ORDER for the Reception of a PAUPER PATIENT.

I, *C. D.* [in the Case of a Justice of the Peace, or in the Case of a Clergyman and Relieving Officer, &c., We] the undersigned, having called to my [or our] Assistance a Physician [or Surgeon or Apothecary, as the Case may be], and having personally examined *A. B.*, a Pauper, and I, *C. D.* [or we, in the Case of a Clergyman and Relieving Officer, &c.], being satisfied that the said *A. B.* is a Lunatic [or an insane Person, or an Idiot, or a Person of unsound or imbecile mind], and a proper Person to be confined, I [or we, as the Case may be], hereby direct you to receive the said *A. B.* as a Patient into your Asylum, Hospital, or House. Subjoined is a Statement respecting the said *A. B.*

(Signed) (C. D.)

\* A Justice of the Peace for the City or Borough of \_\_\_\_\_  
[or an or the Officiating Clergyman]  
of the Parish of \_\_\_\_\_].

Name.

The Relieving Officer of the Union or Parish of  
Parish of [or an Overseer of the].

\* In the Case of a Lunatic not chargeable, to be signed by Two Justices.

## STATEMENT.

Name of Patient, Christian Name at Length.  
 Sex and Age.  
 Married, single, or widowed.  
 Condition of Life, and previous Occupation (if any).  
 The Religious Persuasion, so far as known.  
 Previous Place of Abode.

Length of Time insane.  
 Whether first Attack.  
 Age (if known) on First Attack.  
 Whether subject to Epilepsy.  
 Whether suicidal or dangerous to others.  
 Previous Places of Confinement (if any).

I certify that to the best of my Knowledge the above Particulars are correctly stated.

(Signed)

[To be signed by the Relieving Officer or Overseer.]

Dated the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred \_\_\_\_\_  
 To \_\_\_\_\_ Superintendent of the Asylum for the County of \_\_\_\_\_ or the Lunatic Hospital of \_\_\_\_\_  
 or Proprietor of the licensed House of \_\_\_\_\_ [describing the Asylum, Hospital, or House.]

## FORM OF MEDICAL CERTIFICATE in the Case of PAUPER PATIENTS.

I, \_\_\_\_\_ being a Fellow [or Licentiate] of the Royal College of Physicians in London, [or a Graduate in Medicine of the University of \_\_\_\_\_ &c., or a Member of the Royal College of Surgeons in London, or an Apothecary duly authorized to practise by the Apothecaries Company in London,] hereby certify that I have this day personally examined *A. B.* the Person named in the accompanying Statement and Order, and that the said *A. B.*, is a Lunatic [or an insane Person, or an Idiot, or a Person of unsound or imbecile Mind], and a proper Person to be confined.

(Signed)

Name.  
 Place of Abode.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

## SCHEDULE (E.) No. 2.

## ORDER for the Reception of a PRIVATE PATIENT.

I, the undersigned, hereby request you to receive *A. B.*, a Lunatic, [or an Insane Person, or an Idiot, or a Person of unsound or imbecile Mind,] as a Patient into your Asylum. Subjoined is a Statement respecting the said *A. B.*

(Signed)

Name.  
 Occupation (if any).  
 Place of Abode.  
 Degree of Relationship (if any), or other Circumstance of Connexion with the Patient.

Name of Patient, with Christian Name at Length.  
 Sex and Age.  
 Married, single, or widowed.  
 Condition of Life, and previous Occupation (if any).  
 The religious Persuasion, as far as known.  
 Previous Place of Abode.  
 Duration of existing Attack.  
 Whether first Attack.  
 Age (if known) on first Attack.  
 Whether subject to Epilepsy.

Whether suicidal or dangerous to others.  
 Previous Places of Confinement (if any).  
 Whether found lunatic by Inquisition, and Date of Commission.  
 Special circumstances (if any) preventing the Patient being examined, before Admission, separately, by Two Medical Practitioners.  
 Special circumstances (if any) preventing the Insertion of any of the above Particulars.

(Signed)

Name.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_  
 To \_\_\_\_\_ Superintendent of the Asylum for the County of \_\_\_\_\_ [describing the Asylum].

## FORM OF MEDICAL CERTIFICATE in the Case of a PRIVATE PATIENT.

I, \_\_\_\_\_ being a Fellow [or Licentiate] of the Royal College of Physicians in London, [or a Graduate in Medicine of the University of \_\_\_\_\_ &c., or a Member of the Royal College of Surgeons in London, or an Apothecary duly authorized to practise by the Apothecaries Company in London,] hereby certify that, by the Direction of \_\_\_\_\_ Justice of the Peace in and for the \_\_\_\_\_ I have this Day separately from any other medical Practitioner [visited, if applicable, and] personally examined *A. B.*, the Person named in the accompanying Statement and Order, and that the said *A. B.* is a Lunatic [or an Insane Person, or an Idiot, or a Person of an unsound or imbecile Mind], and a proper Person to be confined. Subjoined is a Statement with respect to the mental and bodily Condition of the above-named Patient.

(Signed)

Name.  
 Place of Abode.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_



## SCHEDULE (E.) No. 3.

## NOTICE OF ADMISSION.

I HEREBY give you Notice, That *A.B.* was admitted into this Asylum as a Private [*or Pauper*] Patient on the Day of \_\_\_\_\_ and I hereby transmit a Copy of the Order and medical Certificates [*or Certificate*] on which he was received.

Subjoined is a Statement with respect to the mental and bodily Condition of the above-named Patient.

(Signed) \_\_\_\_\_  
Clerk of \_\_\_\_\_ Asylum.  
Dated the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

## STATEMENT.

I have this Day seen and examined respect to mental State he [*or she*]

the Patient mentioned in the above Notice, and hereby certify that with and that with respect to bodily Health and Condition he [*or she*]

(Signed) \_\_\_\_\_  
Medical Officer of \_\_\_\_\_ Asylum.  
Dated the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

## SCHEDULE (E.) No. 4.

## FORM of NOTICE of DISCHARGE or DEATH.

I HEREBY give you Notice, That \_\_\_\_\_ private [*or a pauper*] Patient, admitted into this Asylum on the \_\_\_\_\_ Day of \_\_\_\_\_ was discharged therefrom recovered [*or relieved, or not improved, by the Authority of \_\_\_\_\_*], on the \_\_\_\_\_ Day of \_\_\_\_\_ or died therein in the Presence of \_\_\_\_\_

(Signed) \_\_\_\_\_  
Clerk of the \_\_\_\_\_ Asylum.  
Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_  
*In case of Death, add "I certify, that the apparent Cause of Death of the said \_\_\_\_\_ [as ascertained by post mortem Examination (if so)] was \_\_\_\_\_"*

(Signed) \_\_\_\_\_  
Medical Officer of the \_\_\_\_\_ Asylum.

## SCHEDULE (F.)

QUARTERLY LIST of LUNATIC PAUPERS within the Union of \_\_\_\_\_ [*or the Parish of \_\_\_\_\_*] in the County or Borough of \_\_\_\_\_ not in Asylums, registered Hospitals, or licensed Houses.

Name.	Sex.	Age.	Lunatic from what Time.	Where placed.	When visited last.	In what Condition, and how often restrained.

I declare that I have personally examined the several Persons whose Names are specified in this List, on the Days set opposite to their Names, and that they are all [*or all, except A.B., C.D., and E.F.*] properly taken care of, and fit to be at large, and that these are the only pauper Lunatics, to the best of my Knowledge, of the Union [*or Parish*] of \_\_\_\_\_ who are not in an Asylum or Hospital or House duly licensed for Lunatics.

(Signed) *A.B.*  
Medical Officer of the said Union or Parish of \_\_\_\_\_

Dated the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

## SCHEDULE (G.) No. 1.

## REGISTRY OF ADMISSIONS.

## REGISTER OF PATIENTS.\*

Date of last previous Admission, if any.	No. in Order of Admission.	Date of Admission.	Christian and Surname at Length.	Sex.		Age.	Condition as to Marriage.			Condition of Life and previous Occupation.	Previous Place of Abode.	County, Union, or Parish to which chargeable.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Form of Mental Disorder.	Supposed Cause of Insanity.	Bodily Condition and Name of Disease (if any).	Epileptic.	Congenital Idiocy.	Duration of existing Attacks.			Number of previous Attacks.	Age on First Attack.	Date of Discharge or Death.	Discharged.			(Observations.		
				M.	F.		Married.	Single.	Widowed.											Years.	Months.	Weeks.				Recovered.	Relieved.	Not improved.		Died.	
1	1846: Jan. 3	William Johnson	1	-	23	-	1	-	Carpenter	-	-	-	-	-	Melancholia	-	-	-	-	-	-	4	-	-	1846: Sept. 1	1	Recovered.	Relieved.	Not improved.		
2																															
3																															
4	1846: June 9	William Johnson	1	-	25	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	7	-	-	3	-	1846: Dec. 2	1				
5																															
6																															
7	1853: May 6	William Johnson	1	-	29	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	4	-	1853: June 8					
8																															

\* In the Case of an Asylum receiving both private and pauper Patients, a separate Register in the above Form to be kept for each Class.

## SCHEDULE (G.) No. 2.

## REGISTER of DISCHARGES and DEATHS.\*

Date of Discharge or Death.	Date of last Admission.	No. in Register of Patients.	Christian and Surname at Length.	Sex.		Discharged.						Died.		Assigned Cause of Death.	Age at Death.		Observations.
						Recovered.		Relieved.		Not improved.							
				M.	F.	M.	F.	M.	F.	M.	F.	M.	F.				
1846: Sept. 1 -	1846: Jan. 3 -	1	William Johnson	1	-	1											
1848: Dec. 2 -	1848: June 9 -	4	William Johnson	1	-	1											
1853: June 8 -	1852: May 6 -	7	William Johnson	1	-	-	-	-	-	-	-	1	-	Phthisis	27		

\* In the case of an Asylum receiving both private and pauper Patients, a separate Register in the above Form to be kept for each Class.

## SCHEDULE (G.) No. 3.

## FORM OF MEDICAL JOURNAL.\*

Date.	Number of Patients.		Names of Patients under Restraint, and by what Means; and under Seclusion, and for what Period.		Names of Patients under Medical Treatment.		Report on State of Health of Patients, and Condition of Asylum.
	M.	F.	Males.	Females.	Males.	Females.	

\* In the Case of an Asylum receiving both pauper and private Patients, a separate Journal to be kept in the above Form for each Class.

## CAP. CXXVII.

## AN ACT for the better securing the Payment of Small Debts.

(9th August 1845.)

[See Appendix for the clauses at length, p. xxiii.]

## CAP. CXXVIII.

## AN ACT to make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain Cases.

(9th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Manufacturer to deliver with warp a ticket of work.*
2. *Ticket to be evidence in cases of dispute ;*
3. *And work to be produced in order to adjudication.*
4. *Power of summoning witnesses.*
5. *Service of summons.*
6. *Levy and application of penalty.*
7. *Recovery of wages and sums due for work.*
8. *No certiorari to be allowed.*
9. *Act may be amended, &c.*

## By this Act,

After reciting that by 5 Geo. 4. c. 96, it was enacted, amongst other things, that "with every piece of work given out by the manufacturer to a workman to be done there shall (if both parties are agreed) be delivered a note or ticket in such form as the said parties shall mutually agree upon:" And that it is expedient that, so far as relates to silk weavers, such further provision should be made for delivery to them of a note or ticket of work as hereinafter is expressed:—

## It is Enacted,

1. That from and after the 1st of January 1845 when any manufacturer of silk goods or of goods made of silk mixed with other materials, or the agent of any such manufacturer, gives out to a weaver of such goods a piece of warp to be woven, such manufacturer or agent shall at the same time deliver to such weaver (unless both parties shall by writing under their respective hands agree to dispense therewith) a printed or written ticket, signed by such manufacturer or agent, containing the following particulars of the agreement between such manufacturer or agent and such weaver; (that is to say),

The count or richness of the warp or cane :

The number of shoots or picks required in each inch :

The number of threads of weft to be used in each shoot :

The name of the manufacturer, or the style of the firm under which he carries on business :

The weaver's name, with the date of the engagement :

And the price in sterling money agreed on for executing each yard imperial standard measure of thirty-six inches of such work in a workmanlike manner :

And such manufacturer or agent delivering such ticket shall make or cause to be made, and shall preserve until the work contracted to be done shall have been completed or paid for, a duplicate of such note or ticket.

11. That in the event of a dispute between the manufacturer or his agent and the workmen, such ticket and the said duplicate thereof shall be required to be produced, and shall, together or either of them, be evidence of all things mentioned herein, or respecting the same.

111. Provided and enacted, That where the subject of dispute relates to the alleged improper or imperfect execution of any work delivered to any manufacturer or his agent, such piece of work shall be produced, in order to adjudication, or if not produced shall be deemed and taken to have been sufficiently and properly executed.

1V. That if any of the parties to the said complaint shall make oath before any Justice having cognizance of such complaint that he or she believes that the attendance of any person as a witness will be material to the hearing of such complaint, such Justice may summon such person, having been paid or tendered a reasonable sum for his expenses, to appear and give evidence on oath before him at a time and place set forth in the said summons; and if any person so summoned shall not appear at the time and place set forth in the said summons, and shall not make excuse for the default the satisfaction of such Justice, and if the due service of the summons be proved, or if such person appearing according to the summons shall not submit to be examined as a witness, then such Justice may adjudge such person so making default appearing or refusing to give evidence to pay such penalty not exceeding 5*l.* as such Justice shall think fit, and the party adjudged to pay such penalty shall pay the same accordingly.

v. That every summons required by this Act shall be served by delivering the same to the person summoned, or by leaving the same at his or her usual place of abode, twenty-four hours at least before the time appointed by the summons for such person to appear.

vi. That if any such penalty or costs so adjudged by any Justice to be paid is not paid immediately upon adjudication such Justice may issue his warrant to distrain and sell the goods and chattels of the person so adjudged to pay the same for the amount thereof, with costs; and the proceeds of such distress, after paying the penalty and costs, and the costs of such distress and sale, shall be paid over to the person convicted; and the said penalty shall be paid over to the sheriff or other proper officer of the county, city, borough, or place in which such conviction shall take place, for Her Majesty's use, and shall be returned to the Court of Quarter Sessions, under the provisions of an Act, 3 Geo. 4. c. 46, intituled, 'An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.'

vii. That if any silk manufacturer or other party employing, contracting or engaging with any person for any work in any branch of the said manufacture, or connected therewith or incidental thereto, or for specific work or otherwise, and whether such person is to be paid according to the nature or amount of the work done, the time employed, or any other manner, shall not from time to time pay and discharge all such sums of money and wages as shall be justly due and payable to any such person, it shall be lawful for a Justice of the Peace, on complaint made for that purpose, to summon such manufacturer or other party to appear at a time and place to be named in such summons, and for any two or more Justices of the Peace to hear and determine such complaint, and order payment of such sum as shall appear to such Justices to be justly due and payable, together with costs for loss of time and recovering the same, and in default of payment immediately, or within such period as the said Justices shall direct, the said Justices shall issue their warrant to levy the same by distress and sale of the goods and chattels of the said manufacturer or other party; and the said Justices, if they shall think fit, may also, by order in writing, authorize such person to return his work unfinished; and such Justices shall also fine such manufacturer or other party for such neglect of payment, if the first offence 5*l.*, and for the second 10*l.* and 5*l.* extra for every succeeding offence, unless the said manufacturer or other party shall deliver to the said person employed a notice in writing, within four-and-twenty hours after such refusal to pay to the said person employed the amount of wages due, stating the reasons for such refusal in full, and that the said manufacturer or other party intends to have such work arbitrated.

viii. That no order or conviction or proceeding touching the same respectively shall be quashed for want of form, or be removed by certiorari or otherwise into any of Her Majesty's superior courts of record; and that when any distress shall have been made for levying any money by virtue of this Act the distress itself shall not be deemed unlawful, nor the party making the same a trespasser, on account of any defect or want of form in the summons, warrant, conviction, warrant of distress, or other proceedings in relation thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for special damage (if any) by action on the case.

ix. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

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### CAP. CXXIX.

AN ACT for raising the Sum of Nine millions and twenty-four thousand nine hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-five.

(9th August 1845.)

This ACT contains the following clauses:—

- i. Treasury may raise 9,024,900*l.* by Exchequer bills in like manner as is prescribed by 48 Geo. 3. c. 1; 4 & 5 Will. 4. c. 15; and 5 & 6 Vict. c. 66.
  - ii. The clauses, &c. in recited Acts extended to this Act.
  - iii. The Treasury to apply the money raised.
  - iv. Bills to be payable out of supplies of the next session.
  - v. Interest on Exchequer bills.
  - vi. Bills to be current at the Exchequer after twelve calendar months from their dates.
  - vii. Bank of England may advance 9,024,900*l.* on the credit of this Act, notwithstanding 5 & 6 Will. & M. c. 20.
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## CAP. CXXX.

AN ACT to apply the Sum of Ten millions eight hundred sixty-nine thousand two hundred and thirty-nine Pounds One Shilling and Seven-pence out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-five, and to appropriate the Supplies granted in this Session of Parliament.

(9th August 1845.)

By this Act the Commons grant, and it is enacted, that—

- I. There shall be applied, for the service of the year 1845, 10,869,239*l.* 1*s.* 7*d.* out of the Consolidated Fund.
- II. The Treasury may cause 10,869,239*l.* 1*s.* 7*d.* of Exchequer bills to be made out in manner prescribed by 48 Geo. 3. c. 1, & 5 Will. 4. c. 15, and 5 & 6 Vict. c. 66.
- III. The clauses, &c. in recited Acts extended to this Act.
- IV. Interest on Exchequer bills.
- V. Bank of England may advance 10,869,239*l.* 1*s.* 7*d.* on the credit of this Act, notwithstanding 5 & 6 Will. & M. c. 20.
- VI. Bills prepared by virtue of this Act to be delivered to the Bank as security for such advances.
- VII. Monies raised by Exchequer bills to be applied to services voted by the Commons.
- VIII. Exchequer bills made chargeable upon the growing produce of the Consolidated Fund.
- IX. The Treasury to issue 289,351*l.* 18*s.* 5*d.* the surplus of Ways and Means, and 500,000*l.* now in the Exchequer, to complete the aids granted for 1843 and 1844.
- X. Monies coming into the Exchequer by 8 & 9 Vict. c. 1; 9,379,600*l.* by Exchequer bills, 8 & 9 Vict. c. 23; 9,024,900*l.* by Exchequer bills, 8 & 9 Vict. c. 129; and 10,869,239*l.* 1*s.* 7*d.*, 289,351*l.* 18*s.* 5*d.*, and 500,000*l.* by this Act, applied as hereafter expressed.
- XI. There shall be applied 6,943,720*l.* for Naval services; viz. 1,289,543*l.* for wages to 40,000 seamen and marines, &c.; 610,545*l.* for victuals, &c. in the Navy; 129,092*l.* for salaries, &c. of the Admiralty Office; 11,608*l.* for registry office of seamen, &c.; 39,545*l.* for the Navy scientific departments; 131,047*l.* for Naval establishments at home; 22,957*l.* for Naval establishments abroad; 690,630*l.* for wages of artificers, &c. at home; 41,995*l.* for wages of artificers, &c. abroad; 1,199,141*l.* for naval stores, &c.; 486,346*l.* for new works in naval establishments; 19,758*l.* for medicines, &c.; 118,457*l.* for naval miscellaneous services; 729,640*l.* for naval half-pay; 489,549*l.* for military pensions; 158,487*l.* for civil pensions; 131,405*l.* to defray the charge of transports, &c.; 91,673*l.* to defray the charge of convicts, home department; 544,774*l.* for mail packet service; 7,528*l.* for retired allowance to 300 naval captains.
- XII. There shall be applied 6,534,699*l.* for army services; viz. 3,430,499*l.* for forces in United Kingdom and stations abroad (except the East Indies); 155,099*l.* for general staff officers, &c.; 89,412*l.* for allowances to officers, &c. of public military departments; 13,200*l.* for royal military asylum, &c.; 86,168*l.* for volunteer corps; 56,593*l.* for services of former years; 14,148*l.* for rewards for distinguished military services; 73,000*l.* for certain general officers; 62,000*l.* for full pay for retired officers; 441,000*l.* for half-pay for retired officers; 52,252*l.* for half-pay, &c. to officers of disbanded foreign corps, &c.; 141,848*l.* for pensions to widows; 105,000*l.* for compassionate list, &c.; 1,220,553*l.* for Chelsea and Kilmainham hospitals, &c.; 38,500*l.* for superannuations in military public departments; 361,805*l.* for Commissariat department; 47,328*l.* for half-pay of Commissariat department; 146,294*l.* for disembodied militia.
- XIII. There shall be issued 2,142,122*l.* for Ordnance services; viz. 499,924*l.* for Ordnance military corps; 299,333*l.* for Commissariat and barrack supplies, &c.; 89,178*l.* for Ordnance offices at the Tower and Pall Mall; 208,573*l.* for Ordnance and barrack establishments; 117,550*l.* for wages of artificers, &c. in the Ordnance department; 213,240*l.* for Ordnance stores for land and sea services; 488,483*l.* for Ordnance and barrack works, &c.; 62,753*l.* for scientific branch of Ordnance department; 163,082*l.* for non-effective Ordnance services.
- XIV. There shall be issued 18,404,500*l.* to pay off Exchequer bills charged on the aids of 1845; 500,000*l.* to discharge supplies granted for 1844, &c.
- XV. There shall be issued 100,000*l.* for civil contingencies; 112,217*l.* for repairs of public buildings, furniture of public offices, &c.; 6,500*l.* for a Palm House in the Royal Botanic Garden at Kew; 8,395*l.* for providing accommodation for Houses of Parliament; 85,000*l.* for New Houses of Parliament; 14,000*l.* for rebuilding the Home Office, &c.; 3,836*l.* for Holyhead harbour, &c.; 50,000*l.* for Caledonian Canal; 24,661*l.* for public buildings, Ireland; 9,000*l.* for Kingston harbour; 150,000*l.* for constructing harbours of refuge and packet harbour at Holyhead; 1,200*l.* for repairing St. Margaret's Church, Westminster.
- XVI. There shall be issued 39,350*l.* for both Houses of Parliament; 55,900*l.* for salaries, &c. at the Treasury; 17,450*l.* for the Home department; 74,000*l.* for salaries, &c. in the Foreign department; 21,000*l.* for the Colonial department; 39,000*l.* for salaries, &c. at the Privy Council, &c.; 2,000*l.* for Lord Privy Seal; 34,056*l.* for office of Paymaster General; 15,919*l.* for Comptroller General of Exchequer, &c.; 2,630*l.* for State Paper Office; 3,240*l.* for Ecclesiastical Commissioners for England; 52,770*l.* for the Poor Law Commissioners; 52,383*l.* for the Mint; 13,400*l.* for public records;

2,612*l.* for salaries, &c. of the Jewel Office, Tower of London; 10,967*l.* for salaries, &c. of inspectors of factories, &c.; 22,471*l.* for offices of Chief Secretary to Lord Lieutenant, &c. Ireland; 5,018*l.* for Paymaster of Civil Services, Ireland; 3,157*l.* for Board of Public Works, Ireland; 221,588*l.* for stationery, &c. for Government departments; 4,950*l.* for printing, &c. by Queen's Printer, Ireland; 1,815*l.* salaries of officers, Scotland; 6,464*l.* household of Lord Lieutenant of Ireland; 39,000*l.* for foreign and secret services.

xvii. There shall be issued 32,000*l.* for law charges, &c.; 11,720*l.* for prosecutions under laws relating to coin; 130,000*l.* for charges formerly paid out of county rates; 15,100*l.* for expenses of sheriffs, salaries of officers of the Exchequer, &c.; 13,368*l.* for salaries, &c. of officers of Insolvent Debtors Court; 18,361*l.* for Parkhurst Prison; 16,218*l.* for Pentonville Prison; 28,118*l.* for Milbank Prison; 4,025*l.* for criminal lunatics; 8,172*l.* inspectors of prisons; 67,810*l.* for law expenses, Scotland; 69,109*l.* for law expenses, Ireland; 33,000*l.* for the police of Dublin; 7,267*l.* for convict depôt in Dublin, &c.; 6,000*l.* for a prison for criminal lunatics, Dublin; 62,350*l.* for convicts at home, &c.; 250,000*l.* for convicts at New South Wales, &c.

xviii. There shall be issued 2,066*l.* for certain Professors Oxford and Cambridge; 4,540*l.* for London University; 300*l.* for Royal Irish Academy; 300*l.* for Royal Hibernian Academy; 5,910*l.* for Royal Dublin Society; 52,020*l.* for buildings at British Museum; 6,217*l.* for purchasing collections for same; 1,500*l.* for National Gallery; 8,850*l.* for geological survey, &c.; 5,839*l.* for observatories at Toronto, &c.; 1,500*l.* for monuments of Sir Sydney Smith, &c.; 4,875*l.* for purchasing collections for the British Museum; 2,000*l.* for statues of Hampden, &c.; 75,000*l.* for public education; 75,000*l.* for education, Ireland; 4,911*l.* School of Design; 7,380*l.* for grants to Scottish Universities; 2,100*l.* Belfast Academical Institution; 42,040*l.* for British Museum.

xix. There shall be issued 3,410*l.* for civil establishment of the Bahama Islands, &c.; 4,049*l.* for ditto of the Bermudas; 3,070*l.* for ditto of Prince Edward's Island; 400*l.* for Sable Island, &c.; 13,680*l.* for civil establishments on the Western Coast of Africa; 12,000*l.* for St. Helena; 7,219*l.* for Western Australia; 3,171*l.* for South Australia; 5,829*l.* for Port Essington; 7,486*l.* for the Falkland Islands; 1,023*l.* for Heligoland; 18,394*l.* for West India Colonies; 11,353*l.* for British North American Provinces, &c.; 18,895*l.* for Indian Department in Canada; 10,495*l.* for Colonial Land and Emigration Board; 48,800*l.* for salaries, &c. of Justices in West Indies, &c.; 6,000*l.* education of emancipated negro population; 35,000*l.* support of captured negroes, &c.; 24,000*l.* for Commissions for suppressing the slave trade; 110,750*l.* for Consular establishment; 80,000*l.* for British settlement at Hong Kong, &c.; 18,000*l.* for ministers at Foreign Courts; 22,565*l.* for New Zealand.

xx. There shall be issued 80,300*l.* for retired allowances to public officers; 5,700*l.* for Toulonese and Corsican emigrants, &c.; 1,850*l.* for National Vaccine Institution; 3,000*l.* Refuge for Destitute; 11,800*l.* for Polish Refugees, &c.; 4,932*l.* to pay allowances formerly paid from Civil List, &c.; 2,146*l.* for Charities, &c. Scotland; 13,029*l.* for House of Industry, Dublin; 1,000*l.* for Female Orphan House; 2,500*l.* for Westmoreland Lock Hospital; 1,000*l.* for Lying-in Hospital, Dublin; 1,500*l.* for Dr. Stevens' Hospital; 3,500*l.* for Fever Hospital, &c. Dublin; 500*l.* Hospital for Incurables; 35,636*l.* for Protestant Dissenting Ministers, Ireland; 7,340*l.* for Charitable Allowances, Ireland.

xxi. There shall be issued 1,500*l.* for health of towns commission; 3,400*l.* for criminal law commission; 6,000*l.* survey of Ireland; 2,597*l.* improvement of the Shannon; 782*l.* British Ambassador's house at Paris; 13,000*l.* ditto at Constantinople; 50,000*l.* for steam to India; 16,600*l.* for militia, Canada.

xxii. Supplies to be applied only for the purposes aforesaid.

xxiii. Rules to be observed in the application of the sum appropriated to half-pay.—Not to prevent the receiving of half-pay under any Act relating to the general or local militia, &c.—Paymaster General, by permission of the Treasury, may issue half-pay to officers appointed to civil offices since July 1828.—An account of the number of officers so receiving half-pay to be laid before Parliament.

xxiv. Treasury may authorize military officers in civil employments to receive half-pay in certain cases.

xxv. Persons concerned in issuing, paying, and receiving money for the payment of half-pay, without the oaths having been taken as required, indemnified.

xxvi. Half-pay allowed to the officers of the Manx fencibles.

xxvii. Half-pay allowances to chaplains of regiments not being in possession of Ecclesiastical benefices derived from the Crown.

xxviii. By 7 & 8 Vict. c. 104. a sum was appropriated to be paid to half-pay officers, the surplus of which is hereby authorized to be disposed of as Her Majesty shall direct.

xxix. Widows and persons claiming pensions shall make the required declaration.

xxx. Declarations to be made as specified in 5 & 6 Will. 4. c. 62.

# APPENDIX TO THE FOREGOING ABRIDGMENT OF STATUTES,

8 & 9 VICTORIÆ.—1845.

## CAP. XCVII.

AN ACT to amend the Law respecting Testamentary Dispositions of Property in the Public Funds, and to authorize the Payment of Dividends on Letters of Attorney in certain Cases.

(4th August 1845.)

### ABSTRACT OF THE ENACTMENTS.

1. *All shares of public stocks standing in the books of the Bank of England in the name of any deceased person may be transferred by the executors notwithstanding any specific bequests.—Bank may require all the executors to join in the transfer of stock.*
2. *Bank not to register specific bequests.*
3. *Powers of attorney to be given for receipt of dividends in certain cases.*
4. *Interpretation of Act.*
5. *Alteration of Act.*

By this Act,

After reciting that by 1 Geo. 1. c. 19, and by divers Acts since passed for creating stocks, funds, and annuities payable out of the public revenue, and for the consolidation, regulation and management of such stocks, funds, and annuities respectively, it is enacted, that any person or persons possessed of any estate or interest in the public stocks or funds, and annuities by the same Acts respectively created, may devise the same by will in writing, attested by two or more credible witnesses, but that no such devisee shall receive any payment thereupon until so much of any such will as shall relate to such stock or annuity respectively shall be entered or registered in the office of the chief accountant for the time being of the Governor and Company of the Bank of England, and that in default of any such devise such stocks or funds respectively, and the respective annuities attending the same, shall go to the executors or administrators of the person or persons dying entitled thereto: and that doubts have arisen as to the true construction and effect of the provisions aforesaid; and the registration of specific devises or bequests of property in such stocks, funds, and annuities as aforesaid has been found in practice to be unnecessary and inconvenient; and it is expedient that such doubts should be removed, and that the provisions made by the said Acts respectively for such registration should be repealed: And that it hath been the practice of the Governor and Company of the Bank of England to require that all the executors of any person entitled to any share or interest in any stocks, funds, or annuities transferable at the Bank of England should join in the transfer thereof, and it is desirable that the same should be confirmed by law:—

It is Enacted,

1. That all the share or interest in any public stocks now standing in the books of the Governor and Company of the Bank of England in the name of any deceased person, and all the share and interest of any person who shall hereafter die possessed of any such stocks standing in his name as aforesaid, shall and may be assigned and transferred by the executors or administrators of such person, notwithstanding any specific bequest or disposition thereof in the will of such person contained: Provided always, that the said Governor and Company of the Bank of England shall not be required to permit or allow the executors or administrators of any such person to transfer any such stocks, or to receive any dividend thereon, until the probate of the will or the letters of administration of the goods, chattels, and credits of such person shall have been first left at the Bank of England for registration thereof; and that it shall be lawful for the said Governor and Company to require all the executors who shall have proved the will of any deceased person in whose name any such stocks are now or at any time hereafter may be standing to join and concur in every transfer thereof or of any part thereof.

2. That so much and such respective parts of any and every Act now in force as require all or any part of any will or deed devising or bequeathing or purporting to devise or bequeath any estate, property, or interest in any public stocks, or any dividends arising therefrom, to be entered or registered in the office of the chief accountant of the Governor and Company of the Bank of England, or in any other office, or in any book of the Governor and Company of the Bank of England, shall be and the same are hereby respectively repealed, and that from and after the passing of this Act it shall be sufficient for the said Governor and Company, before permitting the transfer of any stocks, or the receipt of any dividends upon any stocks standing in the name of any deceased person, to register the names of the deceased party, and of his executors or administrators respectively, as the case may be.

And after reciting that it frequently happens that stock is standing in the names of infants or persons of unsound mind, or of persons not under any legal disability to act, and such last-mentioned persons are not able to attend personally to receive the dividends thereon, and no power of attorney can be granted for the receipt of such dividends:—



It is Enacted,

III. That whenever it shall happen that any stock shall be standing in the name of any infant or person of unsound mind, jointly with any person not under any legal disability to act, it shall be lawful to and for such last-mentioned person, by letter of attorney under his hand and seal, attested by two or more credible witnesses, to authorize some other person to receive the dividends due and to accrue due on such stock; and the payment of any such dividend to any person so appointed shall discharge the said Governor and Company of the Bank of England in respect thereof: Provided always, that it shall be lawful for the said Governor and Company, before acting on any such letter of attorney, to require proof to the satisfaction of the said Governor and Company of the age of such infant, or of the unsoundness of mind of such person, by the declaration of competent persons, to be made in pursuance of the Act, 6 Will. 4, authorizing the substitution of a declaration in lieu of an oath in certain cases.

IV. That the word "stocks" in this Act shall extend to any stocks, funds, or annuities which now are or at any time hereafter shall be transferable at the Bank of England; and that the plural number in this Act shall be construed to include the singular; and that the masculine gender in this Act shall be construed to include the feminine.

V. That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

### CAP. CVI.

### AN ACT to amend the Law of Real Property.

(4th August 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. *Repeal of so much of 7 & 8 Vict. c. 76. as abolishes contingent remainders as from the commencement; and the residue as from 1st October 1845.*
2. *The immediate freehold of corporeal tenements to lie in grant as well as in livery.—Stamp duty on grants thereof.*
3. *Feoffments, partitions, exchanges, leases, assignments, and surrenders required (subject to certain exceptions) to be by deed.*
4. *Feoffments not to operate by wrong, nor exchanges or partitions to imply any condition, or give and grant any covenant.*
5. *Strangers may take immediately under an indenture, and a deed purporting to be an indenture shall take effect as such.*
6. *Contingent and other like interests, also rights of entry, made alienable by deed, saving estates in tail; and as regards married women enjoining conformity to 3 & 4 Will. 4. c. 74.*
7. *Capacity of married women to disclaim estates or interests by deed extended to England.*
8. *Contingent remainders protected as from 31st December 1844, against the premature failure of a preceding estate.*
9. *When the reversion on a lease is gone the next estate to be deemed the reversion.*
10. *Act not to extend to Scotland.*

By this Act, it is enacted as follows; (that is to say,)

I. That so much of an Act passed in the last session of Parliament, intituled 'An Act to simplify the Transfer of Property,' as enacted that, after the time at which that Act should come into operation, no estate in land should be created by way of contingent remainder; but that every estate which, before that time, would have taken effect as a contingent remainder should take effect (if in a will or codicil) as an executory devise, and (if in a deed) as an executory estate of the same nature, and having the same properties, as an executory devise; and that contingent remainders existing under deeds, wills, or instruments, executed or made before the time when that Act should come into operation, should not fail, or be destroyed or barred merely by reason of the destruction or merger of any preceding estate, or its determination by any other means than the natural effluxion of the time of such preceding estate, or some event on which it was in its creation limited to determine, shall be and is hereby repealed, as from the time of the commencement and taking effect thereof; and that the residue of the said Act shall be and is hereby repealed, as from the 1st of October 1845.

II. That, after the said 1st of October 1845, all corporeal tenements and hereditaments shall, as regards the conveyance of the immediate freehold thereof, be deemed to lie in grant as well as in livery; and that every deed which, by force only of this enactment, shall be effectual as a grant, shall be chargeable with the stamp duty with which the same deed would have been chargeable in case the same had been a release, founded on a lease or bargain and sale for a year, and also with the new stamp duty (exclusive of progressive duty) with which such lease or bargain or sale for a year would have been chargeable.

III. That a feoffment, made after the said 1st of October 1845, other than a feoffment made under a custom by an infant, shall be void at law, unless evidenced by deed; and that a partition, and an exchange, of any tenements or hereditaments, as being copyhold, and a lease, required by law to be in writing, of any tenements or hereditaments, and an assignment of a chattel interest, not being copyhold, in any tenements or hereditaments, and a surrender in writing of an interest in any tenements or hereditaments, not being a copyhold interest, and not being an interest which might by law have been created without writing, made after the said 1st of October 1845, shall also be void at law, unless made by deed: Provided always, that the said enactment so far as the same relates to a release or a surrender shall not extend to Ireland.

IV. That a feoffment, made after the said 1st of October 1845, shall not have any tortious operation; and that an exchange, or a partition, of any tenements or hereditaments, made by deed, executed after the said 1st of October 1845, shall not imply any condition in law; and that the word "give" or the word "grant," in a deed, executed after the same date,

shall not imply any covenant in law, in respect of any tenements or hereditaments, except so far as the word "give" or the word "grant" may, by force of any Act of Parliament, imply a covenant.

v. That, under an indenture, executed after the 1st of October 1845, an immediate estate or interest, in any tenements or hereditaments, and the benefit of a condition or covenant, respecting any tenements or hereditaments, may be taken, although the taker thereof be not named a party to the same indenture; also, that a deed, executed after the said 1st of October 1845, purporting to be an indenture, shall have the effect of an indenture although not actually indented.

vi. That, after the 1st of October 1845, a contingent, an executory, and a future interest, and a possibility coupled with an interest, in any tenements or hereditaments of any tenure, whether the object of the gift or limitation of such interest or possibility be or be not ascertained, also a right of entry, whether immediate or future, and whether vested or contingent, into or upon any tenements or hereditaments in England, of any tenure, may be disposed of by deed; but that no such disposition shall, by force only of this Act, defeat or enlarge an estate tail; and that every such disposition by a married woman shall be made conformably to the provisions, relative to dispositions by married women, of an Act 3 & 4 Will. 4. c. 74, intituled 'An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance,' or in Ireland, of an Act, 4 & 5 Will. 4. c. 92, intituled, 'An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple modes of Assurance, in Ireland.'

vii. That, after the 1st of October 1845, an estate or interest in any tenements or hereditaments in England, of any tenure, may be disclaimed by a married woman by deed; and that every such disclaimer shall be made conformably to the said provisions of the said Act for the abolition of fines and recoveries and for the substitution of more simple modes of assurance.

viii. That a contingent remainder, existing at any time after the 31st of December 1844, shall be, and, if created before the passing of this Act, shall be deemed to have been, capable of taking effect, notwithstanding the determination, by forfeiture, surrender, or merger, of any preceding estate of freehold in the same manner, in all respects, as if such determination had not happened.

ix. That when the reversion expectant on a lease, made either before or after the passing of this Act, of any tenements or hereditaments, of any tenure, shall, after the said 1st of October 1845, be surrendered or merged, the estate which shall for the time being confer as against the tenant under the same lease the next vested right to the same tenements or hereditaments, shall, to the extent and for the purpose of preserving such incidents to, and obligations on, the same reversion, as, but for the surrender or merger thereof, would have subsisted, be deemed the reversion expectant on the same lease.

x. That this Act shall not extend to Scotland.

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## CAP. CIX.

### AN ACT to amend the Law concerning Games and Wagers.

(9th August 1845.)

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#### ABSTRACT OF THE ENACTMENTS.

1. *Repeal of part of 33 Hen. 8. c. 9.*
  2. *What shall be sufficient evidence that a house is a common gaming house.*
  3. *Power of Justices may be exercised under warrant.*
  4. *Penalties on gaming house keepers, &c.*
  5. *Proof of gaming for money, &c. not necessary in support of informations for gaming.*
  6. *Commissioners of Police may authorize superintendent and constables to enter gaming houses and seize all instruments of gaming and take into custody all persons found therein.*
  7. *Police superintendent may search for instruments of gaming.*
  8. *What shall be deemed evidence of gaming.*
  9. *Indemnity of witnesses.*
  10. *Justices may grant billiard licences at licensing sessions.*
  11. *Places kept for public billiard tables to be licensed.—Notice that such places are licensed for billiards to be put up.*
  12. *Penalties for offences against tenour of licences.*
  13. *When billiard playing shall not be allowed.*
  14. *Empowering constables to visit licensed houses.*
  15. *Repeal of 16 Car. 2. c. 7, 10 Will. 3. (I.), 9 Anne, c. 14, 11 Anne, (I.), 5 & 6 Will. 4. c. 41, and part of 18 Geo. 2. c. 34.*
  16. *Pending actions and informations to be discontinued.*
  17. *Cheating at play to be punished as obtaining money by false pretences.*
  18. *Wagers not recoverable at law.*
  19. *Proceedings under feigned issues abolished.*
  20. *Appeal to Quarter Sessions.*
  21. *Distress not unlawful for want of form.*
  22. *Plaintiff not to recover after tender of amends.*
  23. *Limitation of actions.*
  24. *Construction of terms.*
  25. *Conviction, &c. not to be quashed for informality, &c.*
  26. *Act may be repealed, &c.*
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By this Act,

After reciting that the laws heretofore made in restraint of unlawful gaming have been found of no avail to prevent the mischiefs which may happen therefrom, and also apply to sundry games of skill from which the like mischiefs cannot arise:—

It is Enacted,

I. That so much of an Act, 33 Hen. 8. c. 9, intituled, 'The Bill for maintaining Artillery, and the debarring of unlawful Games,' whereby any game of mere skill, such as bowling, coyting, cloyshcayls, half bowl tennis, or the like, is declared an unlawful game, or which enacts any penalty for playing at any such game of skill as aforesaid, or which enacts any penalty for lacking bows or arrows, or for not making and continuing butts, or which regulates the making, selling, or using of bows and arrows, and also so much of the said Act as requires the mayors, sheriffs, bailiffs, constables, and other head officers within every city, borough, and town within this realm, to make search weekly, or at the farthest once a month, in all places where houses, alleys, plays, or places of dicing, carding, or gaming shall be suspected to be had, kept, and maintained, shall be repealed, and also so much of the said Act as makes it lawful for every master to license his or their servants, and for every nobleman and other having manors, lands, tenements, or other yearly profits for term of life, in his own right or in his wife's right, to the yearly value of 100*l.* or above, to command, appoint, or license, by his or their discretion, his or their servants or family of his or their house or houses to play at cards, dice, or tables, or any unlawful game, as therein more fully set forth, shall be repealed; and that no such commandment, appointment, or licence shall avail any person to exempt him from the danger or penalty of playing at any unlawful game or in any common gaming house.

And after reciting that doubts have arisen whether certain houses, alleged or reputed to be opened for the use of the subscribers only, or not open to all persons desirous of using the same, are to be deemed common gaming houses:—

It is Declared and Enacted,

II. That, in default of other evidence proving any house or place to be a common gaming house, it shall be sufficient in support of the allegation in any indictment or information that any house or place is a common gaming house, to prove that such house or place is kept or used for playing therein at any unlawful game, and that a bank is kept there by one or more of the players exclusively of the others, or that the chances of any game played therein are not alike favourable to all the players, including among the players the banker or other person by whom the game is managed, or against whom the other players stake, play, or bet; and every such house or place shall be deemed a common gaming house such as is contrary to law and forbidden to be kept by the said Act of King Henry the Eighth, and by all other Acts containing any provision against unlawful games or gaming houses.

III. That in every case (except within the Metropolitan Police district) in which the Justices of Peace in every shire, and mayors, sheriffs, bailiffs, and other head officers within every city, town, and borough, within this realm, now have by law authority to enter into any house, room, or place where unlawful games shall be suspected to be holden, it shall be lawful for any Justice of the Peace, upon complaint made before him on oath that there is reason to suspect any house, room, or place to be kept or used as a common gaming house, to give authority, by special warrant under his hand, when in his discretion he shall think fit, to any constable, to enter, with such assistance as may be found necessary, into such house, room, or place, in like manner as might have been done by such Justices, mayors, sheriffs, bailiffs, or other head officers, and, if necessary, to use force for making such entry, whether by breaking open doors or otherwise, and to arrest, search, and bring before a Justice of Peace all such persons found therein as might have been arrested therein by such Justice of Peace had he been personally present; and all such persons shall be dealt with according to law, as if they had been arrested in such house, room, or place by the Justice before whom they shall be so brought; and any such warrant may be in the form given in the first Schedule annexed to this Act.

IV. That the owner or keeper of any common gaming house, and every person having the care or management thereof, and also every banker, croupier, and other person who shall act in any manner in conducting the business of any common gaming house, shall, on conviction thereof, by his own confession, or by the oath of one or more credible witnesses, before any two Justices of the Peace, besides any penalty or punishment to which he may be liable under the provision of the said Act of King Henry the Eighth, be liable to forfeit and pay such penalty not more than 100*l.*, as shall be adjudged by the Justices before whom he shall be convicted, or, in the discretion of the Justices before whom he shall be convicted, may be committed to the house of correction with or without hard labour, for any time not more than six calendar months; and on non-payment of any penalty so adjudged, and of the reasonable costs and charges attending the conviction, the same shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of one of the convicting Justices: Provided always, that nothing herein contained shall prevent any proceeding by indictment against the owner or keeper or other person having the care or management of a common gaming house; but no person who shall have been summarily convicted of any such offence shall be liable to be proceeded against by indictment for the same offence.

V. That it shall not be necessary, in support of any information for gaming in, or suffering any games or gaming, in, or for keeping or using, or being concerned in the management or conduct of a common gaming house, to prove that any person found playing at any game was playing for any money, wager, or stake.

VI. That if any superintendent belonging to the Metropolitan Police Force shall report in writing to the Commissioners of Police of the metropolis that there are good grounds for believing, and that he does believe, that any house, room, or place within the Metropolitan Police district is kept or used as a common gaming house, it shall be lawful for either of the said Commissioners, by order in writing, to authorize the superintendent to enter any such house, room, or place, with such constables as shall be directed by the Commissioner to accompany him, and, if necessary, to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to take into custody all persons who shall be found therein, and to seize all tables and instruments of gaming found in such house or premises, and also to seize all monies and securities for money found therein.

VII. That it shall be lawful for the police superintendent making such entry as aforesaid in obedience to any such order of one of the Commissioners of Police of the metropolis, with the assistance of any constable or constables accompanying him, to search all parts of the house, room, or place which he shall have so entered where he shall suspect that tables or instruments of gaming are concealed, and all persons whom he shall find therein, and to seize all tables and instruments of gaming which he shall so find.

VIII. That where any cards, dice, balls, counters, tables, or other instruments of gaming used in playing any unlawful game shall be found in any house, room, or place suspected to be used as a common gaming house, and entered under a warrant or order issued under the provisions of this Act, or about the person of any of those who shall be found therein, it shall be evidence, until the contrary be made to appear, that such house, room, or place is used as a common gaming house, and that the persons found in the room or place where such tables or instruments of gaming shall have been found were playing therein, although no play was actually going on in the presence of the superintendent or constable entering the same, under a warrant or order issued under the provisions of this Act, or in the presence of those persons by whom he shall be accompanied as aforesaid; and it shall be lawful for the Police Magistrate or Justices before whom any person shall be taken by virtue of the warrant or order to direct all such tables and instruments of gaming to be forthwith destroyed.

And for the more effectual prosecution of the keepers of common gaming houses,—

It is Enacted,

IX. That every person who shall have been concerned in any unlawful gaming, and who shall be examined as a witness by or before any Police Magistrate or Justice of the Peace, or on the trial of any indictment or information against the owner or keeper or other person having the care or management of any common gaming house, touching such unlawful gaming, and who upon such examination shall make true and faithful discovery to the best of his or her knowledge of all things as to which he or she shall be so examined, and shall thereupon receive from the Magistrate or Justice of the Peace or Judge of the Court by or before whom he or she shall be so examined a certificate in writing to that effect, shall be freed from all criminal prosecutions, and from all forfeitures, punishments, and disabilities, to which he or she may have become liable for anything done before that time in respect of such unlawful gaming.

X. That the Justices in every division, district, and place in England for which a special session of the Justices of the Peace (called the General Annual Licensing Meeting) is holden annually for granting licences to persons keeping or being about to keep inns, alehouses, and victualling houses to sell exciseable liquors by retail, to be drunk or consumed on the premises therein specified, shall have authority at such general annual licensing meeting, or at any adjournment thereof, to grant billiard licences to such persons as the said Justices shall in their discretion deem fit and proper to keep public billiard tables and bagatelle boards, or instruments used in any game of the like kind, and at the special sessions holden for transferring licences to keep inns shall have authority to transfer such billiard licences to such other persons as they in their discretion shall deem fit and proper to continue to hold the same, and who in each case shall be required to give the like notice of their intention to apply for such billiard licence, and entitled to receive the like notice of the licensing days as is required in the case of persons intending to apply for a licence or the transfer of a licence to sell exciseable liquors by retail to be drunk or consumed on the premises, or as near thereto as the case will allow; and every such billiard licence shall be in the form given in the third schedule annexed to this Act, and shall continue in force in the counties of Middlesex and Surrey from the 5th of April, and elsewhere from the 10th of October, after the granting thereof, for one whole year thence respectively next ensuing, and no longer; and the clerk of the Justices shall be entitled to demand and receive from every person licensed under this Act, for the petty constable or other peace officer, for serving notices and other services required of him, the sum of 1s., and for the clerk of the Justices, for the licence, the sum of 5s.; and every clerk who shall demand or receive from any person for such fees more than the said sums, being together 6s., shall for every such offence, on conviction before one Justice, forfeit and pay the sum of 5l.

XI. That after the 5th of April 1846, in the counties of Middlesex and Surrey, and elsewhere after the 10th of October next after the passing of this Act, every house, room, or place kept for public billiard playing, or where a public billiard table or bagatelle board, or instrument used in any game of the like kind, is kept, at which persons are admitted to play, except in houses or premises specified in any licence granted under an Act, 9 Geo. 4. c. 61, intituled 'An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in England,' hereinafter called a 'Victualler's Licence,' shall be licensed under this Act; and after the said 5th of April in Middlesex and Surrey, and elsewhere after the said 10th of October, every person keeping any such public billiard table or bagatelle board, or instrument used in any game of the like kind for public use, without being duly licensed so to do, and not holding a victualler's licence or the house or premises where such billiard table, bagatelle board, or other instrument as aforesaid is kept or used, and also every person licensed under this Act who shall not during the continuance of such billiard licence put and keep up the words 'Licensed for Billiards,' legibly printed in some conspicuous place near the door and on the outside of the house specified in the licence, shall be liable to be proceeded against as the keeper of a common gaming house, and, beside any penalty or punishment to which he may be liable if convicted of keeping a common gaming house, shall, on conviction of keeping such licensed billiard table, bagatelle board, or other instrument as aforesaid, by his own confession, or by the oath of one or more credible witnesses before any Police Magistrate or any two Justices of the Peace, be liable to pay such penalty, not more than 10l. for every day on which such billiard table, bagatelle board, or instrument as aforesaid shall be used, as shall be adjudged by the Magistrate or Justices before whom he shall be convicted, or, in the discretion of the Magistrate or Justices, may be committed to the house of correction with or without hard labour, for any time not more than one calendar month; and on non-payment of any penalty so adjudged, and of the reasonable costs and charges of the conviction, the same shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the Magistrate or one of the convicting Justices; but no person who shall have been summarily convicted of any such offence shall be liable to be further proceeded against by indictment for the same offence.

xii. That every person licensed under this Act who shall be convicted before a Police Magistrate or two Justices acting in and for the division or place in which shall be situated the house kept or theretofore kept by such person of any offence against the tenour of the licence to him granted, shall be liable to the same penalties and punishments in the case of a first, second, or third offence respectively to which persons licensed under an Act of 9 Geo. 4, intituled, 'An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in England,' are respectively liable on conviction of a first, second or third offence against the tenour of the licence granted to them under the last-recited Act, or as near thereunto as the nature of the case will allow; and all the provisions of the last-recited Act with respect to convictions and penalties for offences against the last-recited Act, and the proceedings for enforcing the same, and to the expenses of prosecution and penalties on witnesses for not attending, and the recovery and application of penalties, and the proceedings on appeals against convictions, and the award of costs on appeals, and in actions against Justices, constables, or other persons for anything done in execution of the last-recited Act, shall be deemed to apply, so far as they are applicable, to convictions for offences against the tenour of the licences granted under this Act, and to the proceedings consequent thereupon or connected therewith, as if they were herein re-enacted.

xiii. That every person keeping any public billiard table or bagatelle board, or instrument used in any game of the like kind, whether he be the holder of a victualler's licence or licensed under this Act, who shall allow any person to play at such table, board, or instrument after one and before eight of the clock in the morning of any day, or at any time on Sunday, Christmas-day, or Good Friday, or any day appointed to be kept as a public fast or thanksgiving; and every person holding a victualler's licence who shall allow any person to play at such table, board, or instrument kept on the premises specified in such victualler's licence, at any time when such premises are not by law allowed to be open for the sale of wine, spirits, or beer, or other fermented or distilled liquors, shall be liable to the penalties herein provided in the case of persons keeping such public billiard table, bagatelle board, or instrument as aforesaid, for public use without licence; and during those times when play at such table, board, or instrument is not allowed by this Act every house licensed under this Act, and every billiard room in every house specified in any victualler's licence, shall be closed, and the keeping of the same open, or allowing any person to play therein or thereat, at any of the times or on any of the days during which such play is not allowed by this Act, shall be deemed in each case an offence against the tenour of the licence of the person so offending.

xiv. That it shall be lawful for all constables and officers of police to enter into any house, room, or place where any public table or board is kept for playing at billiards, bagatelle, or any game of the like kind, when and so often as such constables and officers shall think proper; and every person licensed under the said Act of 9 Geo. 4, or under this Act, who shall refuse to admit, or who shall not admit any such constable or officer of police into such house, room, or place shall, on conviction thereof before a police magistrate, or any two Justices of the Peace, be deemed guilty of an offence against the tenour of his licence, whether the same be a billiard licence or a victualler's licence, and in the case of a first, second, third, or subsequent offence shall be punished accordingly.

xv. That an Act, 16 Car. 2. c. 7, and an Act, 10 Will. 3. (I.), each of such Acts being intituled, 'An Act against deceitful, disorderly, and excessive Gaming,' and so much of an Act, 9 Anne, c. 14, and of an Act, 11 Anne (I.), each of such Acts being intituled, 'An Act for the better preventing of excessive and deceitful Gaming,' as was not altered by an Act, 5 & 6 Will. 4. c. 41, intituled, 'An Act to amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and certain other illegal Transactions,' and so much of an Act, 18 Geo. 2. c. 34, intituled, 'An Act to explain, amend, and make more effectual the Laws in being to prevent excessive and deceitful Gaming, and to restrain and prevent the excessive Increase of Horse Races,' as related to the first-recited Act of Queen Anne, or as renders any person liable to be indicted and punished for winning or losing, at play or by betting, at any one time, the sum or value of 10*l*., or within the space of twenty-four hours, the sum or value of 20*l*., shall be repealed, except as to any penalties incurred on or before the 5th of March in the year 1844, for recovering which any suit shall have been commenced before the said 5th of March, and the proceedings for recovery and application of the same.

xvi. That after the passing of this Act it shall be lawful for any person or persons against whom any action, bill, plaint, or information shall have been sued out, commenced, or prosecuted, for the recovery of any pecuniary penalty or penalties incurred on or before the day of the passing of this Act, under the provisions of any Act hereinbefore amended or repealed, to apply to the Court in which such action, bill, plaint, or information shall have been sued out, commenced, or prosecuted, or to any Judge of any of the superior courts at Westminster, for an order that such action, bill, plaint, or information shall be discontinued, upon payment of the costs thereof which were incurred on or before the 5th of March 1844, such costs to be taxed according to the form of such court; and every such Court or Judge, upon such application, shall make such order as aforesaid; and upon the making such order, and payment or tender of such costs as aforesaid, such action, bill, plaint, or information shall be forthwith discontinued.

xvii. That every person who shall, by any fraud or unlawful device or ill practice in playing at or with cards, dice, tables, or other game, or in bearing a part in the stakes, wagers, or adventures, or in betting on the sides or hands of those that do play, or in wagering on the event of any game, sport, pastime, or exercise, win from any other person to himself, or any other or others, any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence, with intent to cheat or defraud such person of the same, and, being convicted thereof, shall be punished accordingly.

xviii. That all contracts or agreements, whether by parole or in writing, by way of gaming or wagering, shall be null and void; and that no suit shall be brought or maintained in any court of law or equity for recovering any sum of money or valuable thing alleged to be won upon any wager, or which shall have been deposited in the hands of any person to abide the event on which any wager shall have been made: Provided always, that this enactment shall not be deemed to apply to any subscription or contribution, or agreement to subscribe or contribute, for or toward any plate, prize, or sum of money to be awarded to the winner or winners of any lawful game, sport, pastime, or exercise.

And after reciting that many important questions are now tried in the form of feigned issues, by stating that a wager was laid between two parties interested in respectively maintaining the affirmative and the negative of certain propositions; but such questions may be as satisfactorily tried without such form:—

It is Enacted,

XIX. That in every case where any court of law or equity may desire to have any question of fact decided by a jury it shall be lawful for such Court to direct a writ of summons to be sued out, by such person or persons as such Court shall think ought to be plaintiff or plaintiffs, against such person or persons as such Court shall think ought to be defendant or defendants therein, in the form set forth in the second schedule to this Act annexed, with such alterations or additions as such court may think proper; and thereupon all the proceedings shall go on and be brought to a close in the same manner as is now practised in proceedings under a feigned issue.

XX. That any person who shall be summarily convicted under this Act may appeal to the next General or Quarter Session of the Peace to be holden for the county or place wherein the cause of complaint shall have arisen, provided that such person at the time of the conviction, or within forty-eight hours thereafter, shall enter into a recognizance, with two sufficient securities, conditioned personally to appear at the said session to try such appeal, and to abide the further judgment of the Court at such session, and to pay such costs as shall be by the last-mentioned Court awarded; and it shall be lawful for the Magistrate or Justices by whom such conviction shall have been made to bind over the witnesses who shall have been examined in sufficient recognizances to attend and be examined at the hearing of such appeal; and that every such witness, on producing a certificate of being so bound, under the hand of the said Magistrate or Justices, shall be allowed compensation for his or her time, trouble, and expenses in attending the appeal, which compensation shall be paid in the first instance by the treasurer of the county or place, in like manner as in cases of misdemeanour, under the provisions of an Act, 7 Geo. 4. c. 64, intituled 'An Act for improving the Administration of Criminal Justice in England,' and in case the appeal shall be dismissed, and the order or conviction affirmed, the reasonable expenses of all such witnesses attending as aforesaid, to be ascertained by the Court, shall be repaid to the said treasurer by the appellant.

XXI. That when any distress shall be made for any money to be levied by virtue of the warrant of any Justice under this Act, the distress shall not be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, warrant of apprehension, conviction, warrant of distress, or other proceedings relating thereto, nor shall such party be deemed a trespasser from the beginning on account of any irregularity which shall be afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage by an action on the case in any of Her Majesty's courts of record.

XXII. That no plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made or committed in the execution of this Act, or in, under, or by virtue of any authority hereby given, if tender of sufficient amends shall have been made, by or on behalf of the party who shall have committed such irregularity, trespass, or other wrongful proceeding, before such action brought; and in case no tender shall have been made it shall be lawful for the defendant in any such action, by leave of the Court where such action shall depend, at any time before issue joined, to pay into Court such sum of money as he shall think fit; whereupon such proceeding, order, and adjudication shall be had and made in and by such Court as in other actions where defendants are allowed to pay money into court.

XXIII. That no action, suit, or information, or any other proceeding, of what nature soever, shall be brought against any person for anything done or omitted to be done in pursuance of this Act, or in the execution of the authorities under this Act, unless notice in writing shall be given by the party intending to prosecute such suit, information, or other proceeding, to the intended defendant, one calendar month at least before prosecuting the same, nor unless such action, suit, information, or other proceeding shall be brought or commenced within three calendar months next after the act or omission complained of, or in case there shall be continuation of damage, then within three calendar months next after the doing such damage shall have ceased.

XXIV. That in Ireland the term "Metropolitan Police Force," and the terms "Commissioners of the Police of the Metropolis," and the terms "Metropolitan Police District," shall mean and include respectively the Dublin Metropolitan Police Force, the Commissioners of Police of Dublin Metropolis, and the Police District of Dublin Metropolis.

XXV. That no information, conviction, or other proceeding before or by any Justice or Justices under this Act shall be quashed or set aside, or adjudged void or insufficient, for want of form, or be removed by certiorari into Her Majesty's Court of Queen's Bench.

XXVI. That this Act may be amended or repealed by any act to be passed in this session of Parliament.

## SCHEDULES to which the foregoing Act refers.

### THE FIRST SCHEDULE.

#### FORM OF WARRANT.

County of } To the Constable

WHEREAS it appears to me, J. P., One of the Justices of our Lady the Queen, assigned to keep the Peace in the said County, by the Information on Oath of A. B. of \_\_\_\_\_ in the County of \_\_\_\_\_, Yeoman, that the House [Room Place] known as [here insert a Description of the House, Room, or Place by which it may be readily known and found], is kept and used as a common Gaming House within the Meaning of an Act passed in the \_\_\_\_\_ Year of the Reign of Her Majesty Queen Victoria, intituled [here insert the Title of this Act]:

This is, therefore, in the Name of our Lady the Queen, to require you, with such Assistants as you may find necessary, to enter into the said House [Room or Place], and, if necessary, to use Force for making such Entry, whether by breaking open Doors or otherwise, and there diligently to search for all Instruments of unlawful Gaming which may be therein, and to arrest, search, and bring before me, or some other of the Justices of our Lady the Queen assigned to keep the Peace within the County of \_\_\_\_\_ as well the Keepers of the same as also the Persons there haunting, resorting, and playing, to be dealt with according to Law; and for so doing this shall be your Warrant. J. P. (L. A.)

Given under my Hand and Seal at \_\_\_\_\_ in the County of \_\_\_\_\_ this \_\_\_\_\_  
Day of \_\_\_\_\_ in the \_\_\_\_\_ Year of the Reign of \_\_\_\_\_

### THE SECOND SCHEDULE.

In the Court of Queen's Bench [Common Pleas, or Exchequer, or in any inferior Court, as the Case may be.] Middlesex, to wit, [or such other County as may be directed.]

WHEREAS *A.B.* affirms, and *C.D.* denies [here state fully the Fact or Facts in issue] and the Lord Chancellor [or such other Court, &c.] is desirous of ascertaining the Truth by the Verdict of a Jury, and both Parties pray that the same may be inquired of by the Country. Now let a Jury, &c.

### THE THIRD SCHEDULE.

#### FORM OF LICENCE.

At the General Licensing Annual Meeting [or an Adjournment of the General Annual Licensing Meeting, or at a Special Petty Session] of Her Majesty's Justices of the Peace acting for the Division [or Liberty, &c., as the Case may be], of \_\_\_\_\_ holden at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_

for the Purpose of granting Billiard Licences, we being \_\_\_\_\_ of Her Majesty's Justices of the Peace acting for the said County [or Liberty, &c., as the Case may be], and being the Majority of those assembled at the said Session, do hereby authorize and empower *A.L.* now dwelling at \_\_\_\_\_ in the parish of \_\_\_\_\_ to keep a House for public Billiard playing at [here specify the House], provided that he [or she] put and keep up the Words "Licensed for Billiards" legibly printed in some conspicuous Place near the Door and on the Outside of the said House, and do not wilfully or knowingly permit Drunkenness or other disorderly Conduct in the said House, and do not knowingly allow the Consumption of Exciseable Liquors therein by the Persons resorting thereto, and do not knowingly suffer any unlawful Games therein, and do not knowingly suffer Persons of notoriously bad Character to assemble and meet together therein, and do not open the said House for Play or allow any Play therein after One and before Eight of the Clock in the Morning, or keep it open or allow any Play therein on Sundays, Christmas Day, or Good Friday, or on any Day appointed for a public Fast or Thanksgiving, but do maintain good Order and Rule therein: And this Licence shall continue in force from the \_\_\_\_\_ Day of \_\_\_\_\_ next, until the \_\_\_\_\_ Day of \_\_\_\_\_ then next following, and no longer.

Given under our Hands and Seals on the Day and at the Place first written.

### CAP. CXI.

#### AN ACT to amend the Laws relating to the assessing of County Rates.

(8th August 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. Justices at sessions to appoint committees for assessing county rates.
2. Meetings of committee.
3. Committee may appoint a clerk.
4. Committees may require returns of the annual value of the property in any parish liable to be assessed, with the date of the valuation.—Such returns to be laid before a vestry meeting previous to their being presented to the committee.
5. Declaration of the property liable to the county rate.
6. Meaning of "full and fair annual value."
7. Committees empowered to inspect rates, assessments, valuations, &c.
8. Penalty on overseers or others refusing to attend or produce documents.
9. Committees may cause new valuations to be made.
10. Allowances and compensation to persons employed in the execution of this Act.
11. If parish officers neglect or make false returns, expenses of valuations to be paid by parishes.
12. When committee have prepared a county rate differing in value from the preceding, they shall cause it to be printed, and distributed to the acting Justices and overseers of the poor.—Overseers to submit the rate to a vestry meeting.

13. *Notice of the time within which objections may be made to the proposed rate to be sent to the overseers.*
14. *Notice to be given when rate will be taken into consideration by Court of General or Quarter Sessions.*
15. *Rate to be deemed valid after confirmation by Court of General or Quarter Sessions.*
16. *Appeal.—Notice of appeal.*
17. *Hearing and determining appeals.*
18. *Penalty on persons obstructing overseers, &c.*
19. *Penalties and forfeitures, costs and charges, may be levied by distress and sale of offenders' goods.—Committal.—Application of penalties.*
20. *Sessions to determine costs of appeal and of valuation ordered by Sessions.*
21. *Costs of valuations directed by committee.*
22. *Applying provisions of former Acts to this Act.*
23. *County rate not to be assessed otherwise than as directed by 5 & 6 Will. 4. c. 76.*
24. *The Act extended to all places having separate commission of the peace, and to all rates of the nature of county rates.*
25. *Alteration of Act.*

By this Act,

After reciting that is expedient to amend the laws in being relating to the assessing of county rates:—

It is Enacted,

- I. That from and after the passing of this Act it shall be lawful for Her Majesty's Justices of the Peace of every county in England, assembled at their General or Quarter Sessions of the Peace, or at any adjournment thereof, from time to time, as often as they may deem it necessary, to appoint any number of Justices not exceeding eleven in number nor less than five, to be a committee for the purpose of preparing fair and equal county rates, or of altering and amending such rates from time to time as circumstances may require.
- II. That the committee so appointed shall hold their first meeting after their appointment at such time and place as shall be fixed by the said Court of Quarter Sessions, and their subsequent meetings at such times and places as they shall themselves appoint for carrying this Act into execution; and at every meeting of the said committee, if three or more members thereof are present, they shall be competent to act as fully and effectually as if all the members of the said committee were present.
- III. That such committee may from time to time, as they may see fit, appoint a clerk to assist them in the execution of their duties under the provisions of this Act, and may at any time remove such clerk, and appoint another in his stead.
- IV. That for the purpose of preparing such fair and equal county rates the said committee, by their order in writing, to be signed by their clerk, may from time to time as often as they may deem it necessary, direct the overseers of the poor, constables, assessors, and collectors of public rates of or for any parish, township, or place within the county, and all other persons having the custody or management of any public or parochial rates or valuations of any such parish, township, or place, to make returns in writing to the said committee, at such times and places as they may appoint, of the amount of the full and fair annual value of the whole or of any part of the property within the parish, township, or place liable to be assessed toward the county rate, together with the date of the last valuation for the assessment of such parish, and the name of the surveyor by whom the valuation was made; and the overseers of the poor required to make any such return in respect of any parish, township, or place maintaining its own poor, and the constable or other person required to make any such return in respect of any place not maintaining its own poor, shall, before they present the same to the said committee, lay the same before a vestry meeting of the parish, township, or place for which they act, or where no vestry meeting is held before some other meeting of the inhabitants of such place, if any such there be, at which the public business of such place is commonly transacted.
- V. Declared and enacted, That the property liable to be assessed towards the county rate shall be taken to be the property which in any parish or place maintaining its own poor is liable to be rated to the relief of the poor, or which in any place not maintaining its poor would be liable to be rated for the relief of the poor if such place were a parish.
- VI. Declared and enacted, That for the purposes of assessing any county rate the words "full and fair annual value" shall be taken to mean the net annual value of any property as the same is or may be required by law to be estimated for the purpose of assessing the rates for the relief of the poor.
- VII. That the said committee may from time to time, as often as they may deem it necessary, by their order in writing, signed as aforesaid, require the said overseers of the poor, constables, assessors, collectors, and any other persons whomsoever, to appear before them when and where and as often as the said committee may deem expedient, and to produce all parochial and other rates, assessments, valuations, apportionments, and other documents in their custody or power relating to the value of or assessment on all or any of the property within the several parishes and places aforesaid which may be liable to be assessed toward the county rate, and to be examined on oath, and answer such questions as the said committee may put to them respectively touching the said rates, assessments, valuations, or apportionments, or the value of the property aforesaid; and the said committee shall be authorized and empowered to administer such oath, and to examine the parties upon oath as aforesaid.
- VIII. That every overseer of the poor, constable, assessor, collector, or other person so required to make returns, or to appear as aforesaid, who shall, without any reasonable excuse, neglect to make such returns in writing as aforesaid, or wilfully make any false return, and every person who shall neglect or refuse to appear when required so to do as aforesaid, or to be sworn or examined, or to produce such documents as hereinbefore provided, shall forfeit a sum not exceeding 20*l.*, to be prosecuted and recovered by order of the said committee before any two of Her Majesty's Justices of the Peace.
- IX. That the said committee may from time to time, and so often as they may think fit, by their order in writing, to be signed as aforesaid, direct that the whole or any part of any parish, township, or place within the county shall be valued, and



may appoint one or more person or persons to make such valuation; and the person or persons so appointed may at all reasonable times, and with or without assistants, enter upon, view, examine, survey, and measure all and any lands, houses, or other property within such parish, township, or place liable to be assessed toward the county rate, in order to ascertain the value at which the same ought respectively to be charged.

x. That the said committee from time to time may make such allowances and compensations to their clerk, and to the overseers, constables, collectors, surveyors, or other persons employed in the execution of this Act, as to them shall appear reasonable and proper, which, together with the costs of printing and other expenses necessarily incurred by the said committee in or about the preparing or amending any rate, shall be paid, by an order of the Court of General or Quarter Sessions of the Peace, out of the county stock.

xi. That if any overseers neglect to make any such return in writing as aforesaid, or wilfully make any false return or statement of the amount of the full and fair annual value of the property within the parish, township, or place liable to be assessed towards the county rate, any Court of General or Quarter Sessions of the Peace, upon the report of the said committee, may order that the whole of the expenses incurred by the said committee in ascertaining the amount of the full and fair annual value of the same shall be charged upon the parish, township, or place of which the overseers have been guilty of such neglect or misconduct as aforesaid, in addition to the proportion of the county rate to be paid by such parish, township, or place; and such expenses shall be raised, levied, and collected by such and the like ways and means as county rate can or may be raised, levied, and collected, and shall be paid therewith, due distinction being made, in the case of every such additional assessment, between the sum or sums charged for any such expenses and the sum or sums assessed for the county rate.

xii. That when and so soon as the committee appointed as aforesaid have prepared any county rate in which the total amount of the annual value of the property in any parish or place within the county is estimated at a greater or less amount than in the last preceding county rate, they shall cause such rate to be printed in such form as they may think proper, and shall forthwith cause to be sent by the general post or otherwise one copy of the same to every acting Justice of the Peace for the county, and to the overseers of the poor, constables, or other persons charged with the collection or levy of the county rate in every parish and place within such county; and such overseers of the poor, constables, or other persons shall, within twenty-one days after the receipt of such rate, call a vestry meeting of such parish or place, and shall submit the said copy of the said rate to such vestry meeting; and any person rated to the relief of the poor or liable to contribute to the county rate in such parish or place may at all reasonable times inspect and examine the said copy of the said rate, whilst the same remains in the custody of any such overseer, constable, or other person, and take extracts or copies therefrom, without the payment of any fee for the same.

xiii. That, together with the copy of such proposed rate, there shall also be sent by the said committee to the overseers of the poor or constable of every such parish or place, or other person as aforesaid, a notification of a reasonable time, not less than one calendar month, within which any objections to the proposed rate may be forwarded to the said committee by such overseers or constable or other person as aforesaid, or by any person affected by such rate; and the said committee shall fix a time and place when and where such objections will be taken into consideration by the said committee, and for hearing the parties making such objections.

xiv. That when any proposed rate has been finally corrected and approved of by the said committee, they shall lay the same before the Court of General or Quarter Sessions holden next thereafter, and such Court shall thereupon order public notice to be given in one or more of the newspapers usually circulated within the county, that such rate will be taken into consideration at the then next General or Quarter Sessions of the Peace to be held for the said county; and at such General or Quarter Session of the Peace the Court shall proceed to take the same into consideration, and to alter and amend the same as to them may seem proper, and, if they think fit, to allow and confirm the said rate, or, instead of making any alteration in the said rate, or allowing and confirming the same, to refer back the said rate for amendment to the said committee, and to adjourn the consideration thereof to some future General or Quarter Session of the Peace; and in such last-mentioned case the said committee shall have the same powers and authorities for requiring returns and ascertaining the value of property liable to be assessed toward the county rate, in order to the revising or amending of the said rate, as are hereinbefore given to them for preparing the same; and all the clauses and provisions hereinbefore contained for preparing any rate shall be applicable in every respect to the revision or amendment of the same; and any amendment or alteration of such rate by the said committee shall be reported and taken into consideration at the General or Quarter Session of the Peace to which the consideration thereof was adjourned; but before any alteration or amendment of the said rate made by the said committee be allowed or confirmed by the Court of General or Quarter Session of the Peace the said committee shall send at least fourteen days' previous notice thereof, by post or otherwise, to every parish and place with respect to which such alteration or amendment is made.

xv. That when the Court of General or Quarter Sessions of the Peace have so allowed and confirmed any rate, the same shall be taken to be made, and shall be valid, legal, and effectual, to all intents and purposes, notwithstanding any irregularity may have arisen in the making thereof, and notwithstanding the officers of any parish or place may have omitted to make the returns hereinbefore mentioned, subject nevertheless at all times to appeals against the same as hereinafter provided; and the said Court shall cause copies of the said rate to be printed, and shall direct one of such copies to be sent to every acting Justice of the Peace for the county, and one copy to the overseers of the poor, constable, or other person charged with the collection and levy of the county rate in every parish and place within the said county.

xvi. That if at any time after the said rate has been made as aforesaid any overseer or overseers of the poor, constable, or other person charged with the collection and levy of county rate in any parish or place, or other inhabitant or inhabitants thereof, have reason to think that such parish, township, or place is aggrieved by any such rate, whether it be on account of some one or more of them being without sufficient cause omitted altogether from the rate, or on account of such parish, township, or place being rated on a sum beyond the full and fair annual value of the property therein liable to be assessed toward the county rate, or on account of some other parish or parishes, township or townships, place or places, being rated on a sum

less than the full and fair annual value of the property therein liable to be assessed toward the county rate, such overseer or overseers of the poor, constable, or other person, or inhabitant or inhabitants, may appeal to the Justices of the Peace for the county, at the General or Quarter Session to be holden next after the Session at which such rate was allowed and confirmed, against such part of the rate only as may affect the parish or parishes, township or townships, place or places which appear to be over-rated or under-rated, or omitted altogether from the rate as aforesaid (subject to the provisions hereinafter contained); and if in any case where any overseer or overseers, constable, or other person as aforesaid, of one parish or place, appeals against the rate on any other parish or place, on account of the same being altogether omitted from such rate, or on account of the same being rated at less than the full and fair annual value thereof as aforesaid, such overseer or overseers, constable, or other person shall give twenty-one days' previous notice in writing of the intention to appeal, and of the cause and matter thereof, to the overseers of the poor, or where there are no such overseers to the constable or other person charged with the collection and levy of county rate in such other parish or place, and if in any case where any such overseer or overseers, constable, or other person appeal against the rate on the ground that any parish, township, or place is rated on a sum beyond the full and fair annual value of the rateable property therein, such overseer or overseers, constable, or other person shall give twenty-one days' notice thereof in writing, with the cause and matter thereof, to the clerk of the peace of the county, the said Justices shall be empowered to hear and determine such appeal in manner by this Act directed, and either to confirm such parts of the rate as have been appealed against, or to correct such inequalities or omissions as shall be proved to exist therein, in such manner as to them the said Justices may appear fair, just, and equitable; but no such rate shall upon any appeal be quashed or destroyed, in regard to any other parish, township, or place, unless in cases where the Justices of the Peace in General or Quarter Sessions assembled, or the major part of them, deem it necessary to proceed to the making of an entire new rate, and where they proceed therein according to the provisions of this Act.

XVII. That it shall be lawful for the Court of General or Quarter Session of the Peace, upon any such appeal, instead of hearing the said appeal, to order, upon the application of the appellant or respondent in such appeal, a survey and valuation of their respective parishes, townships, or places, and shall fix the next or some subsequent session for receiving such survey and valuation, and for hearing and determining the said appeal, and such Court shall also thereupon appoint a proper person or persons to make such survey and valuation; and the person or persons so appointed shall for that purpose have full power, with or without assistants, to enter upon, view, and examine, survey, measure, and value, all and any lands, houses, and property liable to be assessed toward the county rate within the parishes, townships, and places mentioned in such order; and such survey and valuations shall be reported to the General or Quarter Session fixed as aforesaid for receiving the same; and the Court then and there assembled shall hear and determine the said appeal in the manner hereinbefore set forth.

XVIII. That every person who in any manner wilfully resists or obstructs any overseer, collector, surveyor, or other person in the execution of his or their duty under this Act shall forfeit and pay any sum not exceeding *5l.*, to be prosecuted and recovered before any two or more of Her Majesty's Justices of the Peace for the county wherein the offence is committed.

XIX. That all penalties and forfeitures by this Act authorized to be imposed for any offence against the same shall, upon proof and conviction of the offences respectively before any two Justices, as hereinbefore directed, either by the confession of the party offending, or by the oath of any credible witness or witnesses (which oath such Justices are hereby authorized to administer), be levied, together with the costs attending the information, summons, and conviction, by distress and sale of the goods and chattels of the offender, by warrant under the hands of the Justices before whom the party may have been convicted, or, on proof of such conviction, by a warrant under the hands of any two Justices (which warrant such Justices are hereby empowered and required to grant,) and the overplus (if any), after such penalties and forfeitures, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner of such goods and chattels; and if upon the return of such warrant it appear that no sufficient distress can be had thereupon, then it shall be lawful for any such Justices as aforesaid, by warrant under their hands, to cause such offender to be committed to the common gaol or house of correction of the county where the offender may be or reside, there to remain without bail or mainprize for any term not exceeding three calendar months, unless such penalties and forfeitures, and all reasonable charges attending the same, be sooner paid and satisfied; and the said penalties and forfeitures, when recovered, shall be paid to the treasurer of the county in which such offence may have been committed or forfeiture incurred, to be applied in aid of the rates of the said county.

XX. That the charges and expenses of and attending any survey and valuation ordered to be made by any Court of Quarter Sessions in such appeal as aforesaid shall be deemed costs in such appeal, and abide the event thereof; and the Court before which any such appeal is heard and determined may order the costs in and about such appeal to be paid by the party, appellant or respondent, as they in their discretion may think fit; but where any appeal is made on the ground that any parish, township, or place is rated on a sum beyond the full and fair annual value of the property therein, if the Court before which such appeal is heard determine in favour of the appellants such Court shall ascertain the costs and charges incurred by such appellants in and about such appeal, and shall order the treasurer of the county rates to pay the same to such appellants out of the public stock of the county in his hands.

XXI. That in any case where any committee appointed as aforesaid have directed the whole or any part of any parish, township, or place to be valued, and where in the rate afterwards allowed and confirmed by any Court of Quarter Session on the report of such committee, such parish, township, or place is rated on a sum greater than the sum set forth in the returns made to such committee by the overseers of the poor, constable, or other person required to make such return in any case not maintaining its own poor, if there be no appeal against the rate on such parish, township, or place at the General Quarter Session holden next after such confirmation or allowance thereof, the Justices of the Peace at such Session shall order the overseers, constable, or other person as aforesaid of such parish, township, or place to pay the amount of the expenses incurred in making such valuation; and in any such case as aforesaid, if there be an appeal to the Justices of the Peace at any General or Quarter Session against the rate, on the ground that such parish, township, or place is rated on a sum beyond the fair annual value of the property therein, and if on such appeal such rate is confirmed as to such parish, township, or place, or if it be not reduced to or below the sums set forth in the returns made to such committee as aforesaid,

the Justices of the Peace at such Session shall order the overseers, constable, or other person as aforesaid of such parish, township, or place to pay the amount of the expenses incurred in making the valuation under the direction of the committee; and such expenses shall be raised, levied, and collected by such and the like ways and means as county rate can or may be raised, levied, and collected, and shall be paid therewith, due distinction being made, in the case of every such additional assessment, between the sums charged for or on account of any such expenses and the sum or sums assessed as and for the county rate.

xxii. That all the powers, authorities, provisions, clauses, and regulations contained in any former Act or Acts relating to the assessment, collection and levying of county rates (save and except such parts thereof respectively as are hereby varied, altered, or repealed), shall be good, valid, and effectual for the purposes of assessing, levying, collecting, and enforcing the payment of the rate or rates hereafter to be made in pursuance of this Act, and for carrying this Act into execution.

And after reciting that by 5 & 6 Will. 4. c. 76. it is enacted, that after the grant of a separate Court of Quarter Sessions of the Peace to any borough it shall not be lawful to assess any messuages, lands, tenements, or hereditaments within such borough to any county rate thereafter to be made, but every part of every such borough shall thenceforward be wholly free and discharged from contributing otherwise than as thereafter provided to any rate or assessment of any kind of and for the county in which any part of such borough is situated;—

It is Enacted,

xxiii. That nothing in this Act contained shall extend to render any such borough, or any property situated therein, liable to be assessed or to contribute to county rate, save as in the said recited Act is mentioned and contained.

xxiv. That in the construction of this Act the word "county" shall mean and include any riding or division having a separate commission of the peace, with any liberty, franchise, or other place in which rates in the nature of county rates may be levied, having a separate commission of the peace, and not subject to the jurisdiction of the county or counties at large in which such liberty, franchise, or place may lie, nor contributing or paying to the county rates made for such county or counties at large; and that the words "county rate" shall mean and include every rate or tax assessed in any county for all or any of the purposes to which county rate or stock is or may hereafter be made liable.

xxv. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

## CAP. CXII.

### AN ACT to render the Assignment of satisfied Terms unnecessary.

(8th August 1845.)

#### ABSTRACT OF THE ENACTMENTS.

1. On 31st of December 1845 satisfied terms of years attendant on inheritance, &c. of land, to cease, except, &c.
2. Satisfied terms now subsisting, &c., to cease on becoming attendant upon inheritance, &c. of lands.
3. Construction of Act.
4. Not to extend to Scotland.

By this Act,

After reciting that the assignment of satisfied terms has been found to be attended with great difficulty, delay, and expense, and to operate in many cases to the prejudice of the persons justly entitled to the lands to which they relate;—

It is Enacted,

I. That every satisfied term of years which, either by express declaration or by construction of law, shall upon the 31st of December 1845 be attendant upon the inheritance or reversion of any lands, shall on that day absolutely cease and determine as to the land upon the inheritance or reversion whereof such term shall be attendant as aforesaid, except that every such term of years which shall be so attendant as aforesaid by express declaration, although hereby made to cease and determine, shall afford to every person the same protection against every incumbrance, charge, estate, right, action, suit, claim, and demand as it would have afforded to him if it had continued to subsist, but had not been assigned or dealt with, after the said 31st of December 1845, and shall for the purpose of such protection be considered in every court of law and of equity to be a subsisting term.

II. That every term of years now subsisting or hereafter to be created, becoming satisfied after the said 31st of December 1845, and which, either by express declaration or by construction of law, shall after that day become attendant upon the inheritance or reversion of any lands, shall immediately upon the same becoming so attendant absolutely cease and determine as to the land upon the inheritance or reversion whereof such term shall become attendant as aforesaid.

III. That in the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the word "lands" shall extend to all freehold tenements and hereditaments, whether corporeal or incorporeal, and to all such customary land as will pass by deed, or deed and admittance, and not by surrender, or any other part or share thereof respectively; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

IV. That this Act shall not extend to Scotland.

## CAP. CXIII.

## AN ACT to facilitate the Admission in Evidence of certain official and other Documents.

(8th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Certain documents to be received in evidence without proof of seal or signature, &c. of person signing the same.*
2. *Courts, &c. to take judicial notice of signature or equity of common law Judges, &c.*
3. *Copies of private Acts printed by Queen's printer, Journals of Parliament, and proclamations, admissible as evidence.*
4. *Persons forging seal, stamp or signature of certain documents, or print any private Act with false purport, guilty of felony.*
5. *Not to extend to Scotland.*
6. *Alteration of Act.*
7. *Commencement of Act.*

By this Act,

After reciting that it is provided by many statutes that various certificates, official and public documents, documents and proceedings of corporations and of joint stock and other companies, and certified copies of documents, bye-laws, entries in registers and other books, shall be receivable in evidence of certain particulars in courts of justice, provided they be respectively authenticated in the manner prescribed by such statutes: And that the beneficial effect of these provisions has been found by experience to be greatly diminished by the difficulty of proving that the said documents are genuine; and it is expedient to facilitate the admission in evidence of such and the like documents;—

It is Enacted,

I. That whenever by any Act now in force or hereafter to be in force any certificate, official or public document, or document or proceeding of any corporation or joint stock or other company, or any certified copy of any document, bye-law, entry in any register or other book, or of any other proceeding, shall be receivable in evidence of any particular in any court of justice or before any legal tribunal, or either House of Parliament, or any committee of either House, or in any judicial proceeding, the same shall respectively be admitted in evidence, provided they respectively purport to be sealed or impressed with a stamp, or sealed and signed, or signed alone, as required, or impressed with a stamp and signed, as directed by the respective Acts made or to be hereafter made, without any proof of the seal or stamp, where a seal or stamp is necessary, or of the signature or of the official character of the person appearing to have signed the same, and without any further proof thereof in every case in which the original record could have been received in evidence.

II. That all Courts, Judges, Justices, Masters in Chancery, Masters of courts, Commissioners judicially acting, and other judicial officers shall henceforth take judicial notice of the signature of any of the equity or common law Judges of the superior courts at Westminster, provided such signature be attached or appended to any decree, order, certificate, or other judicial or official document.

III. That all copies of private and local and personal Acts of Parliament not public Acts, if purporting to be printed by the Queen's printers, and all copies of the journals of either House of Parliament, and of Royal proclamations, purporting to be printed by the printers to the Crown or by the printers to either House of Parliament, or by any or either of them, shall be admitted as evidence thereof by all Courts, Judges, Justices, and others, without any proof being given that such copies were so printed.

IV. Provided and enacted, That if any person shall forge the seal, stamp, or signature of any such certificate, official or public document, or document or proceeding of any corporation or joint stock or other company, or of any certified copy of any document, bye-law, entry in any register or other book, or of any other proceeding as aforesaid, or shall tender in evidence any such certificate, official or public document, or document or proceeding of any corporation or joint stock or other company, or any certified copy of any document, bye-law, entry in any register or other book, or of any other proceeding, with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, whether such seal, stamp, or signature be those of or relating to any corporation or company already established, or to any corporation or company to be hereafter established, or if any person shall forge the signature of any such Judge as aforesaid to any order, decree, certificate, or other judicial or official document, or shall tender in evidence any order, decree, certificate, or other judicial or official document with false or counterfeit signature of any such Judge as aforesaid thereto, knowing the same to be false or counterfeit, or if any person shall print any copy of any private Act or of the Journals of either House of Parliament, which copy shall falsely purport to have been printed by the printers to the Crown, or by the printers to either House of Parliament, or by any or either of them, or if any person shall tender in evidence any such copy, knowing that the same was not printed by the person or persons by whom it so purports to have been printed, every such person shall be guilty of felony, and shall upon conviction be liable to transportation for seven years, or to imprisonment for any term not more than three nor less than one year, with hard labour: Provided also, that whenever any such document as before mentioned shall have been received in evidence by virtue of this Act, the Court, Judge, Commissioner, or other person officiating judicially who shall have admitted the same, all, on the request of any party against whom the same is so received, be authorized, at its or at his own discretion, to direct that the same shall be impounded, and be kept in the custody of some officer of the court or other proper person, until further

order touching the same shall be given, either by such Court, or the Court to which such Master or other officer belonged, or by the persons or person who constituted such Court, or by some one of the equity or common law Judges of the superior courts at Westminster on application being made for that purpose.

v. That this Act shall not extend to Scotland.

vi. That this Act may be repealed, altered, or amended during this present session of Parliament.

vii. That this Act shall take effect from the 1st of November next after the passing thereof.

#### CAP. CXIV.

#### AN ACT for the Abolition of certain Fees in Criminal Proceedings.

(8th August 1845.)

##### ABSTRACT OF THE ENACTMENTS.

1. *Extending the provisions of the recited Act respecting the discharge of certain prisoners without payment of fees.*
2. *Certain fees heretofore payable to clerks of assize, &c. out of the county rates to cease.*

By this Act,

After reciting the passing of 55 Geo. 3. c. 50, and that doubts have been entertained as to the extent and meaning of the said Act, and it is expedient that the same be explained and amended:—

It is Declared and Enacted,

1. That the provisions of the said Act respecting the discharge of certain prisoners without payment of any fee do and shall extend to all persons who now are or hereafter shall be charged with or indicted for any felony, or as an accessory thereto, or with or for any misdemeanour, before any Court of criminal jurisdiction in England, against whom no bill of indictment shall be found by the grand jury, or who on his, her, or their trial shall be acquitted, or who shall be discharged by proclamation for want of prosecution; and that it is not and shall not be lawful to demand or take from any such persons any fee for their appearance to the indictment or information, or for allowing them to plead thereto, or for recording their appearance or plea, or for discharging any recognizance taken from any such persons, or any surety or sureties for them.

And after reciting that by the said Act it was provided that the clerks of assize, clerks of the peace, or clerks of the court, and their deputies, should receive the amount of the fees theretofore payable to them respectively, which were abolished by the said Act, out of the rates of the county, district, hundred, riding, or division, or out of the public stock of the city, town, corporate, cinque port, liberty, franchise, or place of which they were severally the officers:—

It is Enacted,

11. That no such payment shall be made out of any such rate or stock, in satisfaction of any of the fees abolished by the said Act, to any clerk of assize, clerk of the peace, or clerk of the court appointed after the passing of this Act, or to their or any of their deputies.

#### CAP. CXVII.

#### AN ACT to amend the Laws relating to the Removal of poor Persons born in *Scotland, Ireland, the Islands of Man, Scilly, Jersey, or Guernsey*, and chargeable in *England*.

(8th August 1845.)

##### ABSTRACT OF THE ENACTMENTS.

1. *Repeal of 11 Geo. 4. & 1 Will. 4. c. 5. ss. 1, 2; 3 & 4 Will. 4. c. 40; 7 Will. 4. & 1 Vict. c. 10, 3 & 4 Vict. c. 27, and 7 & 8 Vict. c. 11.*
2. *Provision for removal of natives of Scotland, Ireland, and the isles of Man, Scilly, Jersey, and Guernsey.*
3. *Persons executing warrants of removal to have the authority of constables.*
4. *Justices of the Peace to make new regulations for removal of Scottish and Irish poor, &c. to their respective places of birth or residence.*
5. *Expenses of certain parishes to be repaid out of county rates.*
6. *Appeals against such removals may be lodged at the instance of boards of guardians in Ireland, and of kirk session, heritors, & borough magistrates in Scotland.*
7. *The Poor Law Amendment Act and this Act to be construed as one Act.*
8. *Forms in the Schedule may be used in proceedings under this Act.*
9. *Alteration of Act.*

By this Act,

After reciting that it is expedient that the laws relating to the removal of poor persons born in Scotland or Ireland, or in the islands of Man, Scilly, Jersey, or Guernsey, and not settled in England, but chargeable to parishes in England, should be amended,—

It is Enacted,

- I. That from and after the passing of this Act so much of the following Acts of Parliament, and of all Acts to amend or continue the same, as relates to the removal of such poor persons from the parishes to which they are chargeable, except so far as any of the said Acts may repeal the provisions of any former Act, and except as to all orders made under the same or any of them, and not fully executed at the passing of this Act, shall be and the same is hereby repealed; (namely) 11 Geo. 4. & 1 Will. 4. c. 5, "to repeal the provisions of certain Acts relating to the removal of vagrants and poor persons born in the islands of Jersey and Guernsey, and chargeable to parishes in England, and to make other provisions in lieu thereof;" 3 & 4 Will. 4. c. 40, "to repeal certain Acts relating to the removal of poor persons born in Scotland and Ireland, and chargeable to parishes in England, and to make other provisions in lieu thereof until the 1st of May 1836, and to the end of the then next session of Parliament."
- II. That if any person born in Scotland or Ireland, or in the Isle of Man, or Scilly, or Jersey, or Guernsey, not settled in England, become chargeable to any parish in England by reason of relief given to himself or herself, or to his wife, or to any legitimate or bastard child, such person, his wife, and any child so chargeable, shall be liable to be removed respectively to Scotland, Ireland, the Isle of Man, Scilly, Jersey, or Guernsey; and if the guardians of such parish, or of any union in which the same may be comprised, or, where there are no such guardians, if the overseers of such parish, complain thereof to any one Justice of the Peace, such Justice may, if such person do not attend voluntarily, summon him to come before any two Justices of the Peace, at any time and place to be named in the summons; and at such time and place, or on the attendance of such person, any two Justices may hear and examine into the matter of such complaint, and if it be made to appear to their satisfaction that such person is liable to be so removed as aforesaid, and if they see fit, they may make and issue a warrant under their hands and seals to remove such person forthwith at the expense of such union or parish.
- III. That every person to whom any warrant made in pursuance of this Act shall be delivered for the purpose of being carried into execution shall detain and hold in safe custody every poor person mentioned therein, until such poor person have arrived at the place to which he is ordered to be removed, and shall for that purpose, in every county or place through which he may pass in the due execution of such warrant, have and exercise the powers with which a constable is by law invested, notwithstanding such person may not otherwise be empowered to act as a constable for such county or place.
- IV. That the Justice of the Peace of every county shall at some General or Quarter Session of the Peace or some adjournment thereof, and the Justices of the Peace in petty sessions of every borough shall within eight months after the passing of this Act, make regulations for the more effectually carrying into effect the provisions of this Act for the removal of such poor persons, their wives and children, whether by land or sea, or part of the way by land and part by sea; and such Justices may from time to time thereafter, as they may see occasion, make other regulations for the same purpose; and such Justices shall in such regulations provide, so far as may be, for the removing of persons born in Ireland, and their families, to the ports named in the Schedule marked (A.) to this Act annexed which are nearest to the respective places where such persons were born or have resided, unless where any such persons consent to be removed to any other port or place in Ireland, and as regards persons born in Scotland, and their families, to the ports named in the Schedule marked (B.) to this Act annexed which are nearest the respective places where such persons were born or have resided, or to places not being ports, but being as near as such ports to the respective places where such persons were born or have resided, unless where any such persons consent to be removed to any other port or place in Scotland; and such regulations, when approved by one of Her Majesty's principal secretaries of State, shall be observed and carried into effect by all Justices of the Peace, guardians, overseers, constables and other persons charged with or concerned in such removal in such respective county or borough; and until such regulations in any county or borough have been so approved, all rules, orders, regulations, and directions heretofore made for the removal therefrom of persons born in Scotland, Ireland, or the Isles of Man, Scilly, Jersey, or Guernsey, shall continue in force, but no longer.
- V. That in the case of any parish not in union, and not containing a population exceeding 30,000 persons according to the last census published by the authority of Parliament, if the guardians or overseers on whose complaint such warrant of removal was made bring or send to the clerk of the peace of the county or to the town clerk of the borough in which such parish is situate such warrant of removal, accompanied with an affidavit, sworn before some Justice of the Peace of such county or borough, (who shall be authorized to administer the same,) of the amount of the expenses *bond fide* incurred and paid by such guardians or overseers on account of such removal under such warrant as aforesaid, and also a statement of the several persons comprised in such amount, such clerk of the peace shall lay the same before the Justices of the Peace assembled at the Quarter Session or adjournment thereof holden for such county next after he has received the same, and such town clerk shall lay the same before the council of such borough at their quarterly meeting held next after he has received the same; and the said Justices and Council of such borough respectively shall, if the regulations in force in regard to such removal have been duly complied with, order the amount of such expenses to be paid out of the county rate raised in such county, or out of the borough fund of such borough, as the case may be.
- VI. That if any board of guardians of any union in Ireland, or the heritors and kirk session or borough magistrates in Scotland, think themselves aggrieved by any removal of any poor person under the provisions of this Act, and if they forward the Poor Law Commissioners a statement of the case, and of any grounds for concluding that such poor person is settled in any parish in England, or was not in law liable to be removed to Ireland or Scotland, as the case may be, and if they or such persons on their behalf give good security in England to the said Commissioners for the payment of all costs which may be incurred in any appeal against the warrant for the removal of such poor person, such Commissioners, if satisfied that it will be expedient so to do, may appeal, on behalf of the persons so aggrieved, to the Court of Quarter Sessions holden for the

county or borough from which such removal was made, held at any time within six months after such removal was completed; and such commissioners shall, at least twenty-one days before the holding of such session, send by post or otherwise, to the guardians or overseers on whose application such warrant was obtained, notice in writing, purporting to be signed by their secretary or one of their assistant secretaries, of their intention to appeal against such warrant, containing a statement in writing of the ground of such appeal; and such Court of Quarter Sessions shall hear and determine such appeal; and if the warrant of removal is reversed by such Court, the guardians or overseers on whose application the same was obtained shall pay the costs and the necessary expenses and charges incurred by or on account of such board of guardians, or heritors and kirk session or borough magistrates respectively, in conveying the poor person removed under the same back to such parish; and if they refuse or neglect to pay the same within seven days after demand thereof, the persons on whose behalf such appeal was brought, or any person authorized by them, may recover the same as penalties and forfeitures: Provided always, that the said guardians or overseers may at any time after such notice of appeal give or send by post notice in writing under the hands of any two or more of them to the said Commissioners, that they abandon such warrant, and thereupon such warrant shall be of no effect; and such guardians and overseers shall pay to the persons on whose behalf such notice of appeal was given, or to some person authorized by them, the expenses incurred by or on account of such persons by reason of such warrant, and in any proceedings consequent thereon, and the necessary expenses and charges of conveying the person removed under the same back to such parish; and if they do not pay the same within seven days after demand the same may be recovered as penalties and forfeitures.

VII. That the said Act of 5 Will. 4, "for the amendment and better administration of the laws relating to the poor in England and Wales," and all Acts to amend and extend the same, and the present Act, except so far as the provisions of any former Act are altered, amended, or repealed by any subsequent Act, shall be construed as one Act; and that in this Act, or any of the said Acts, the word "county" shall mean and include any county, division of a county, riding, or liberty, having a separate commission of the peace; and that in this Act the word "borough" shall mean any borough having a separate Court of Quarter Sessions.

VIII. That in all proceedings under this Act it shall be sufficient in the law to use, with such changes only as the facts of each case may require, the forms contained in the Schedule marked (C.) to this Act annexed, for the purposes in the titles to such forms respectively specified.

IX. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

#### SCHEDULE (A.) PORTS IN IRELAND.

DUBLIN.  
WEXFORD.  
WATERFORD.

CORK.  
LIMERICK.  
DERRY.

BELFAST.  
DUNDALK.

#### SCHEDULE (B.) PORTS IN SCOTLAND.

DUMFRIES.  
AYR.  
GREENOCK.

GLASGOW.  
OBAN.  
INVERNESS.

ABERDEEN.  
DUNDEE.  
EDINBURGH.

#### SCHEDULE (C.)

*Form of Warrant of Removal of Persons born in Scotland or Ireland, or in the Isle of Man, or Scilly, or Jersey, or Guernsey.*

County of \_\_\_\_\_ } WHEREAS Complaint hath been made by the Board of Guardians of the \_\_\_\_\_ Union of \_\_\_\_\_  
to wit. \_\_\_\_\_ of the Parish of, &c. \_\_\_\_\_, in the said County of \_\_\_\_\_ unto us, whose  
Names are hereunto set and Seals affixed, Two of Her Majesty's Justices of the Peace acting in and for the said County, that  
a Person born in Scotland [or Ireland, or the Isle of Man, or Scilly, or Jersey, or Guernsey], both  
become and is now chargeable to the Parish [Township, &c.] of \_\_\_\_\_ in the said Union, &c.]: And whereas  
upon Examination of the said \_\_\_\_\_ taken upon Oath before us (which Examination is hereto annexed): it  
doth appear to our Satisfaction that he was born in Scotland, &c., and hath not a Settlement in England, and that he hath  
Wife named \_\_\_\_\_ and \_\_\_\_\_ Children, videlicet \_\_\_\_\_ neither of which Children  
dren has any Settlement in England.

These are therefore to require you the said \_\_\_\_\_ to convey the said \_\_\_\_\_ his Wife and Family  
aforesaid, to Scotland, *et cetera*, in the Manner directed by the Regulations of the Justices of the said County, *et cetera*,  
and approved by J. S., one of Her Majesty's Principal Secretaries of State, in pursuance of the Provisions of a certain Act  
made and passed in the \_\_\_\_\_ Year of the Reign of Queen Victoria, intituled [the Title of this Act].  
Given under our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and \_\_\_\_\_

[Here copy the Regulations of the Justices of the County, *et cetera*, approved by the Secretary of State, as applicable to the Removal of the Party.]

*Form of Examination to which the above Warrant refers.*

to wit. ) THE Examination of taken on Oath before us, Two of Her Majesty's Justices of the  
 aforesaid, this ) Peace acting in and for the [County, Riding, City, Borough, Town Corporate, Division, or Liberty,]  
 Day of in the Year of our Lord One thousand eight hundred and  
 , who on Oath saith, that according to the best of [his or her] Knowledge and Belief [he or she] was born in  
 in that Part of the United Kingdom called Scotland [or Ireland, or in the Isle of Man, or Scilly, or Jersey,  
 or Guernsey], which [he or she] left about Years ago, and hath no Settlement in that Part of the United  
 Kingdom called England, and hath actually become and is now chargeable to the [Parish, Township, &c.] of  
 in the County of [and that he hath a Wife named and Children,  
 neither of which Children have gained a Settlement in England].  
 Sworn the Day and Year first above written, before us

## CAP. CXIX.

## AN ACT to facilitate the Conveyance of Real Property.

(8th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. Where the words of column 1. of the second Schedule are employed, the deed to have the same effect as if the words in column 2. were inserted.
2. Deed to include all houses, &c., and the reversion and all the estate.
3. Stamp duty on deed to be same as on lease, &c. for a year.
4. Remuneration for deed under the Act not to be by length only.
5. Deed failing to take effect by this Act to be as valid as if Act not made.
6. Construction of Act.
7. Schedules, &c. to form part of Act.
8. Commencement of Act.
9. Not to extend to Scotland.

By this ACT,

After reciting that it is expedient to facilitate the sale and conveyance of real property,—

It is Enacted,

i. That whenever any party to any deed, made according to the forms set forth in the first Schedule to this Act, or to any other deed which shall be expressed to be made in pursuance of this Act, or referring thereto, shall employ in any such deed respectively any of the forms of words contained in Column I. of the second Schedule hereto annexed, and distinguished by any number therein, such deed shall be taken to have the same effect and be construed as if such party had inserted in such deed the form of words contained in Column II. of the same schedule, and distinguished by the same number as is annexed to the form of words employed by such party; but it shall not be necessary in any such deed to insert any such number.

ii. That every such deed, unless any exception be specially made therein, shall be held and construed to include all houses, outhouses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, underwoods, mounds, fences, hedges, ditches, ways, waters, watercourses, lights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments, and appurtenances whatsoever to the lands therein comprised belonging or in anywise appertaining, or with the same demised, held, used, occupied, and enjoyed, or taken or known as part or parcel thereof, and also the reversion or reversions, remainder and remainders, yearly and other rents, issues, and profits of the same lands, and of every part and parcel thereof, and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim, and demand whatsoever, both at law and in equity, of the grantor, in, to, out of, or upon the same lands and every part and parcel thereof, with their and every of their appurtenances.

iii. That every such deed under this Act shall be chargeable with the stamp duty with which the same would have been chargeable in case it had been a release founded on a lease or bargain and sale for a year, and also with the same stamp duty (exclusive of progressive duty) with which such lease or bargain and sale for a year would have been chargeable.

iv. That in taxing any bill for preparing and executing any deed under this Act it shall be lawful for the taxing officer, and he is hereby required, in estimating the proper sum to be charged for such transaction, to consider not the length of such deed, but only the skill and labour employed and responsibility incurred in the preparation thereof.

v. That any deed or part of a deed which shall fail to take effect by virtue of this Act shall nevertheless be as valid and effectual, and shall bind the parties thereto, so far as the rules of law and equity will permit, as if this Act had not been made.

vi. That in the construction and for the purposes of this Act and the schedules hereto annexed, unless there be something in the subject or context repugnant to such construction, the word "lands" shall extend to all freehold



tenements and hereditaments, whether corporeal or incorporeal, and to such customary land as will pass by deed, or deed and admittance, and not by surrender, or any undivided part or share therein respectively; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and the converse; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and the word "party" shall mean and include any body politic or corporate or collegiate as well as an individual.

VII. That the schedules, and the directions and forms therein contained, shall be deemed and taken to be parts of this Act.

VIII. That the Act shall commence and take effect from and after the 1st of October next.

IX. That this Act shall not extend to Scotland.

### SCHEDULES to which this Act refers.

#### The FIRST SCHEDULE.

This Indenture, made the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and forty- \_\_\_\_\_ [or other Year] in pursuance of an Act to facilitate the Conveyance of Real Property, between [here insert the Names of Parties, and Recitals, if any], witnesseth, that in consideration of \_\_\_\_\_ Sterling now paid by the said [Grantee] or [Grantees] to the said [Grantor] or [Grantors] (the Receipt whereof is hereby by him or them acknowledged), he or they the said [Grantor] or [Grantors] doth or do grant unto the said [Grantee] or [Grantees], his or their Heirs and Assigns for ever, All, &c. [Parcels]. [Here insert Covenants, or any other Provisions.] In witness whereof the said Parties hereto have hereunto set their Hands and Seals.

#### The SECOND SCHEDULE.

##### DIRECTIONS AS TO THE FORMS IN THIS SCHEDULE.

1. Parties who use any of the Forms in the First Column of this Schedule may substitute for the Words "Covenantor" or "Covenantee," or "Releasor" or "Releasee," any Name or Names, and in every such Case corresponding Substitutions shall be taken to be made in the corresponding Forms in the Second Column.

2. Such Parties may substitute the Feminine Gender for the Masculine, or the Plural Number for the Singular, in any of the Forms in the First Column of this Schedule, and corresponding Changes shall be taken to be made in the corresponding Forms in the Second Column.

3. Such Parties may introduce into or annex to any of the Forms in the First Column any express Exceptions from or other express Qualifications thereof respectively, and the like Exceptions or Qualifications shall be taken to be made from or in the corresponding Forms in the Second Column.

4. Such Parties may add the Name or other Designation of any Person or Persons, or Class or Classes of Persons, or any other Words, at the End of Form 2. of the First Column, so as thereby to extend the Words thereof to the Acts of any additional Person or Persons, or Class or Classes of Persons, or of all Persons whomsoever; and in every such Case the Covenants 2, 3, and 4, or such of them as shall be employed in such Deed, shall be taken to extend to the Acts of the Person or Persons, Class or Classes of Persons, so named.

#### COLUMN I.

1. The said [Covenantor] covenants with the said [Covenantee],

2. That he has the Right to convey the said Lands to the said [Covenantee] notwithstanding any Act of the said [Covenantor];

3. and that the said [Covenantee] shall have quiet Possession of the said Lands,

#### COLUMN II.

1. And the said Covenantor doth hereby, for himself, his Heirs, Executors, and Administrators, covenant, promise, and agree with and to the said Covenantee, his Heirs and Assigns, in manner following; (that is to say)

2. That for and notwithstanding any Act, Deed, Matter, or Thing by the said Covenantor done, executed, committed, or knowingly or wilfully permitted or suffered, to the contrary, he the said Covenantor now hath in himself good Right, full Power, and absolute Authority to convey the said Lands and other the Premises hereby conveyed, or intended so to be, with their and every of their Appurtenances, unto the said Covenantee, in manner aforesaid, and according to the true Intent of these Presents.

3. And that it shall be lawful for the said Covenantee, his Heirs and Assigns from Time to Time and at all Times hereafter, peaceably and quietly to enter upon, have, hold, occupy, possess, and enjoy the said Lands and Premises hereby conveyed, or intended so to be, with their and every of their Appurtenances, and to have, receive, and take the Rents, Issues, and Profits thereof and of every Part thereof to and for his and their Use and Benefit, without any Let, Suit, Trouble, Denial, Eviction, Interruption, Claim, or Demand whatsoever of, from, or by him the said Covenantor or his Heirs, or any Person claiming or to claim by, from, under, or in trust for him, them, or any of them.

## COLUMN I.

4. free from all Incumbrances.

5. And the said [Covenantor] covenants with the said [Covenantee] that he will execute such further Assurances of the said Lands as may be requisite.

6. And the said [Covenantor] covenants with the said [Covenantee] that he will produce the Title Deeds enumerated hereunder, and allow Copies to be made of them, at the Expense of the said [Covenantee].

7. And the said [Covenantor] covenants with the said [Covenantee] that he has done no Act to incumber the said Lands.

8. And the said [Releasor] releases the said [Releasees] all his Claims in the said Lands.

## COLUMN II.

4. And that free and clear, and freely and absolutely acquitted, exonerated, and for ever discharged, or otherwise by the said Covenantor or his Heirs well and sufficiently saved, kept harmless, and indemnified of, from, and against any and every former and other Gift, Grant, Bargain, Sale, Jointure, Dower, Use, Trust, Entail, Will, Statute, Recognizance, Judgment, Execution, Extent, Rent, Annuity, Forfeiture, Re-entry, and any and every other Estate, Title, Charge, Trouble, and Incumbrance whatsoever, made, executed, occasioned, or suffered by the said Covenantor or his Heirs, or by any Person claiming or to claim by, from, under, or in trust for him, them, or any of them.

5. And the said Covenantor doth hereby, for himself, his Heirs, Executors, and Administrators, covenant, promise, and agree with and to the said Covenantee, his Heirs and Assigns, that he the said Covenantor, his Heirs, Executors, or Administrators, and all and every other Person whosoever having or claiming, or who shall or may hereafter have or claim, any Estate, Right, Title, or Interest whatsoever, either at Law or in Equity, in, to, or out of the said Lands and Premises hereby conveyed or intended so to be, or any of them, or any part thereof, by, from, under, or in trust for him, them, or any of them, shall and will from Time to Time and at all Times hereafter, upon every reasonable Request, and at the Costs and Charges of the said Covenantee, his Heirs or Assigns, make, do, execute, or cause to be made, done, or executed, all such further and other lawful Acts, Deeds, Things, Devices, Conveyances, and Assurances in the Law whatsoever, for the better, more perfectly, and absolutely conveying and assuring the said Lands and Premises hereby conveyed or intended so to be, and every Part thereof, with their Appurtenances, unto the said Covenantee, his Heirs and Assigns, in manner aforesaid, as by the said Covenantee, his Heirs and Assigns, his or their Counsel in the Law, shall be reasonably devised, advised, or required, so as no such further Assurances contain or imply any further or other Covenant or Warranty than against the Acts and Deeds of the Person who shall be required to make or execute the same, and his Heirs, Executors, or Administrators, only, and so as no Person who shall be required to make or execute such Assurances shall be compellable for the making or executing thereof to go or travel from his usual Place of Abode.

6. And the said Covenantor doth hereby, for himself, his Heirs, Executors, and Administrators, covenant, promise, and agree with and to the said Covenantee, his Heirs and Assigns, that the said Covenantor and his Heirs shall and will, unless prevented by Fire or other inevitable Accident, from Time to Time and at all Times hereafter, at the Request, Costs, and Charges of the said Covenantee, his Heirs or Assigns, or his or their Attorney, Solicitor, Agent, or Counsel, at any Trial or Hearing in any Action or Suit at Law or in Equity or other Judicature, or otherwise, as Occasion shall require, produce all and every or any Deed, Instrument, or Writing hereunder written, for the Manifestation, Defence, and Support of the Estate, Title, and Possession of the said Covenantee, his Heirs or Assigns, in or to the said Lands and Premises hereby conveyed, or intended so to be, and, at the like Request, Costs, and Charges, shall and will make and deliver, or cause to be made and delivered, true and attested or other Copies or Abstracts of the same Deeds, Instruments and Writings respectively, or any of them, and shall and will permit and suffer such Copies and Abstracts to be examined and compared with the said original Deeds by the said Covenantee, his Heirs and Assigns, or such Person as he or they shall for that Purpose direct and appoint.

7. And the said Covenantor, for himself, his Heirs, Executors, and Administrators, doth hereby covenant, promise, and agree with and to the said Covenantee, his Heirs and Assigns, that he hath not at any Time heretofore made, done, committed, executed, or wilfully or knowingly suffered, any Act, Deed, Matter, or Thing whatsoever whereby or by means whereof the said Lands and Premises hereby conveyed, or intended so to be, or any Part or Parcel thereof, are, is, or shall or may be in anywise impeached, charged, affected, or incumbered in Title, Estate, or otherwise howsoever.

8. And the said Releasor hath remised, released, and for ever quitted claim, and by these Presents doth remise, release, and for ever quit claim, unto the said Releasee, his Heirs and Assigns, all and all manner of Right, Title, Interest, Claim, and Demand whatsoever, both at Law and in Equity, into and out of the said Lands and Premises hereby granted, or intended so to be, and every Part and Parcel thereof, so as that neither he, nor his Heirs, Executors, Administrators, or Assigns, shall, nor may at any Time hereafter, have, claim, pretend to, challenge, or demand the

## COLUMN I.

## COLUMN II.

said Lands and Premises, or any part thereof, in any manner howsoever; but the said Releasee, his Heirs and Assigns, and the same Lands and Premises, shall from henceforth for ever hereafter be exonerated and discharged of and from all Claims and Demands whatsoever which the said Releasor might or could have upon him in respect of the said Lands or upon the said Lands.

## CAP. CXXIV.

## AN ACT to facilitate the granting of certain Leases.

(8th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Where the words of Column I. of the second Schedule employed, the deed to have the same effect as if words of Column 2 were inserted.*
2. *Deed to include all houses, &c.*
3. *Remuneration for deed under the Act not to be by length only.*
4. *Deed failing to take effect by this Act to be as valid as if Act not made.*
5. *Construction clause.*
6. *Schedules, &c. part of Act.*
7. *Commencement of Act.*
8. *Act not to extend to Scotland.*

By this ACT,

After reciting that it is expedient to facilitate the leasing of lands and tenements,—

It is Enacted,

I. That whenever any party to any deed made according to the forms set forth in the first Schedule to this Act or to any other deed which shall be expressed to be made in pursuance of this Act, shall employ in such deed respectively any of the forms of words contained in Column I. of the second Schedule hereto annexed, and distinguished by any number therein, such deed shall be taken to have the same effect and be construed as if such party had inserted in such deed the form of words contained in Column II. of the same Schedule, and distinguished by the same number as is annexed to the form of words employed by such party; but it shall not be necessary in any such deed to insert any such number.

II. That every such deed, unless any exception be specially made therein, shall be held and construed to include all out-houses, buildings, barns, stables, yards, gardens, cellars, ancient and other lights, paths, passages, ways, waters, watercourses, liberties, privileges, easements, profits, commodities, emoluments, hereditaments, and appurtenances whatsoever, to the lands and tenements therein comprised belonging or in anywise appertaining.

III. That in taxing any bill for preparing and executing any deed under this Act it shall be lawful for the taxing officer and he is hereby required, in estimating the proper sum to be charged for such transaction, to consider, not the length of such deed, but only the skill and labour employed, and responsibility incurred, in the preparation thereof.

IV. That any deed or part of a deed which shall fail to take effect by virtue of this Act shall nevertheless be as valid and effectual, and shall bind the parties thereto, so far as the rules of law and equity will permit, as if this Act had not been made.

V. That in the construction and for the purposes of this Act, and the Schedules hereto annexed, unless there be something in the subject or context repugnant to such construction, the word "Lands" shall extend to all tenements and hereditaments of freehold tenure, and to such customary lands as will pass by deed, or deed and surrender, and not by surrender alone, or any undivided part or share therein respectively; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and the converse; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and the word "party" shall mean and include any body politic or corporate or collegiate, as well as an individual.

VI. That the Schedules, and the directions and forms therein contained, shall be deemed and taken to be parts of this Act.

VII. That this Act shall commence and take effect from and after the 1st of October.

VIII. That this Act shall not extend to Scotland.

## SCHEDULES to which this Act refers.

## The FIRST SCHEDULE.

This Indenture made the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and forty- \_\_\_\_\_ [or other Year], in pursuance of an Act to facilitate the granting of certain Leases, Between [here insert the Names of the Parties, and Recitals, if any] Witnesseth, that the said [Lessor] or [Lessors] doth or do demise unto the said [Lessee] or [Lessees], his [or their] Executors, Administrators, and Assigns, All, &c. [Parcels], from the \_\_\_\_\_ Day of \_\_\_\_\_ for the Term of \_\_\_\_\_ thence ensuing, Yielding therefore during the said Term the Rent of [state the Rent and Mode of Payment].

In witness whereof the said Parties hereto have hereunto set their Hands and Seals.

## The SECOND SCHEDULE.

## DIRECTIONS AS TO THE FORMS IN THIS SCHEDULE.

1. Parties who use any of the Forms in the First Column of this Schedule may substitute for the Words "Lessee" or "Lessor" any Name or Names, and in every such Case corresponding Substitutions shall be taken to be made in the corresponding Forms in the Second Column.

2. Such Parties may substitute the Feminine Gender for the Masculine, or the Plural Number for the Singular, in the Forms in the First Column of this Schedule, and corresponding Changes shall be taken to be made in the corresponding Forms in the Second Column.

3. Such Parties may fill up the blank Spaces left in the Forms 4. and 5. in the First Column of this Schedule so employed by them, with any Words or Figures, and the Words or Figures so introduced shall be taken to be inserted in the corresponding blank Spaces left in the Forms embodied.

4. Such Parties may introduce into or annex to any of the Forms in the First Column any express Exceptions from or express Qualifications thereof respectively, and the like Exceptions or Qualifications shall be taken to be made from or in the corresponding Forms in the Second Column.

5. Where the Premises demised shall be of Freehold Tenure the Covenants 1. to 10. shall be taken to be made with and the Proviso 11. to apply to the Heirs and Assigns of the Lessor, and where the Premises demised shall be of Leasehold Tenure the Covenants and Proviso shall be taken to be made with and apply to the Lessor, his Executors, Administrators, and Assigns.

## COLUMN I.

1. That the said [Lessee] covenants with the said [Lessor] to pay Rent;

2. and to pay Taxes;

3. and to repair;

4. and to paint outside every Year;

5. and to paint and paper inside every Year;

## COLUMN II.

1. And the said Lessee doth hereby, for himself, his Heirs, Executors, Administrators, and Assigns, covenant with the said Lessor, that he the said Lessee, his Executors, Administrators, and Assigns, will during the said Term pay unto the said Lessor the Rent hereby reserved, in manner hereinbefore mentioned, without any Deduction whatsoever.

2. And also will pay all Taxes, Rates, Duties, and Assessments whatsoever, whether parochial, parliamentary, or otherwise, now charged or hereafter to be charged upon the said demised Premises, or upon the said Lessor, on account thereof (excepting Land Tax, and excepting, in Ireland, Tithe Rent-charge and such Portion of the Poor Rate as the Lessor is or may be liable to pay, and excepting also all Taxes, Rates, Duties, and Assessments whatsoever, or any Portion thereof, which the Lessee is or may be by Law exempted from).

3. And also will during the said Term well and sufficiently repair, maintain, pave, empty, cleanse, amend, and keep the said demised Premises, with the Appurtenances, in good and substantial Repair, together with all Chimney Pieces, Windows, Doors, Fastenings, Water Closets, Cisterns, fixed Presses, Shelves, Pipes, Pumps, Pales, Rails, Locks, and Keys, and all other Fixtures and Things which at any Time during the said Term shall be erected and made, when, where, and so often as Need shall be.

4. And also that the said Lessee, his Executors, Administrators, and Assigns, will in every Year in the said Term paint all the outside Wood-work and Iron-work belonging to the said Premises, with Two Coats of proper Oil Colours, in a workmanlike Manner.

5. And also that the said [Lessee], his Executors, Administrators, and Assigns, will in every Year paint the inside Wood, Iron, and other Works now or usually painted with Two Coats of proper Oil Colours in a workmanlike Manner; and also re-paper with Paper of a Quality as at present, such Parts of the Premises as are now papered; and also wash, stop, whiten, or colour such Parts of the said Premises as are now plastered.

## COLUMN I.

6. and to insure from Fire in the joint Names of the said [Lessor] and the said [Lessee];

to shew Receipts;

and to rebuild in case of Fire.

7. And that the said [Lessor] may enter and view State of Repair, and that the said [Lessee] will repair according to Notice.

8. That the said [Lessee] will not use Premises as a Shop.

9. And will not assign without Leave.

10. And that he will leave Premises in good Repair.

11. Proviso for Re-entry by the said Lessor on Non-payment of Rent or Non-performance of Covenants.

12. The said [Lessor] covenants with the said [Lessee] for quiet Enjoyment.

## COLUMN II.

6. And also that the said Lessee, his Executors, Administrators, and Assigns, will forthwith insure the said Premises hereby demised to the full Value thereof, in some respectable Insurance Office, in the joint Names of the said Lessor, his Executors, Administrators, and Assigns, and the said Lessee, his Executors, Administrators, or Assigns, and keep the same so insured during the said Term; and will, upon the Request of the said Lessor, or his Agent, shew the Receipt for the last Premium paid for such Insurance for every current Year; and as often as the said Premises hereby demised shall be burnt down or damaged by Fire, all and every the Sums or Sum of Money which shall be recovered or received by the said [Lessee], his Executors, Administrators, or Assigns, for or in respect of such Insurance, shall be laid out and expended by him in building or repairing the said demised Premises, or such Parts thereof as shall be burnt down or damaged by Fire as aforesaid.

7. And it is hereby agreed, that it shall be lawful for the said Lessor, and his Agents, at all seasonable Times during the said Term, to enter the said demised Premises to take a Schedule of the Fixtures and Things made and erected thereupon, and to examine the Condition of the said Premises; and further, that all Wants of Reparation which upon such Views shall be found, and for the Amendment of which Notice in Writing shall be left at the Premises, the said Lessee, his Executors, Administrators, and Assigns, will, within Three Calendar Months next after every such Notice, well and sufficiently repair and make good accordingly.

8. And also that the said Lessee, his Executors, Administrators, and Assigns, will not convert, use, or occupy the said Premises or any Part thereof into or as a Shop, Warehouse, or other Place for carrying on any Trade or Business whatsoever, or suffer the said Premises to be used for any such Purpose, or otherwise than as a private dwelling-house, without the Consent in Writing of the said Lessor.

9. And also that the said [Lessee] shall not nor will during the said Term assign, transfer, or set over, or otherwise by any Act or Deed procure the said Premises or any of them to be assigned, transferred, or set over, unto any Person or Persons whomsoever, without the Consent in Writing of the said [Lessor], his Executors, Administrators, or Assigns, first had and obtained.

10. And further, that the said [Lessee] will, at the Expiration or other sooner Determination of the said Term, peaceably surrender and yield up unto the said Lessor the said Premises hereby demised, with the Appurtenances, together with all Buildings, Erections and Fixtures now or hereafter to be built or erected thereon, in good and substantial Repair and Condition in all respects, reasonable Wear and Tear, and Damage by Fire, only excepted.

11. Provided always, and it is expressly agreed, that if the Rent hereby reserved, or any Part thereof, shall be unpaid for Fifteen Days after any of the Days on which the same ought to have been paid (although no formal Demand shall have been made thereof), or in case of the Breach or Non-performance of any of the Covenants and Agreements herein contained on the Part of the said Lessee, his Executors, Administrators, and Assigns, then and in either of such Cases it shall be lawful for the said Lessor, at any Time thereafter, into and upon the said demised Premises, or any Part thereof in the Name of the whole, to re-enter, and the same to have again, re-possess, and enjoy as of his or their former Estate, anything hereinafter contained to the contrary notwithstanding.

12. And the Lessor doth hereby, for himself, his Heirs, Executors, Administrators, and Assigns, covenant with the said Lessee, his Executors, Administrators, and Assigns, that he and they, paying the Rent hereby reserved, and performing the Covenants hereinbefore on his and their Part contained, shall and may peaceably possess and enjoy the said demised Premises for the Term hereby granted, without any Interruption or Disturbance from the said Lessor, his Executors, Administrators, or Assigns, or any other Person or Persons lawfully claiming by, from, or under him, them, or any of them.

## CAP. CXXVII.

## AN ACT for the better securing the Payment of Small Debts.

(9th August 1845.)

## ABSTRACT OF THE ENACTMENTS.

1. *Creditor obtaining judgment or order in respect of a debt not exceeding 20l. may summon the debtor before a Commissioner of Bankruptcy or court of requests, &c.—On debtor appearing he may be examined by the Commissioner or Court.—Creditor, may also be examined.—If debtor fail to attend or to make satisfactory answer, or shall appear to have been guilty of fraud &c., he may be committed.*
2. *How order shall be executed.*
3. *Imprisonment not to extinguish the debt; but on payment thereof, or of the instalment payable, and the costs, &c., the debtor to be discharged.*
4. *Certain Courts to have the like powers in original suits.*
5. *Where several Courts exist in the same town, &c., business not to be transferred from one to the other.*
6. *Application to Commissioners, &c. need not be made by counsel or attorney.*
7. *Affidavits in Bankruptcy and Insolvency may be sworn before keepers of prisons.*
8. *Actual necessities of judgment debtors not to be seized.*
9. *Jurisdiction of Courts may be altered.*
10. *Removal of Judges of inferior courts for misbehaviour or incapacity.*
11. *Who shall be competent to hold the court.*
12. *Appointing of a deputy to act during the absence of the Judge.*
13. *Execution of process in Westminster and Southwark.*
14. *Power for Judge to frame a table of fees.*
15. *Fees in Courts of Bankruptcy.*
16. *Fees, &c. payable under any existing Acts not to be affected.*
17. *Poundage to be demanded from suitors upon sums claimed.*
18. *Summonses to witnesses.*
19. *Lists of unclaimed suitors' money to be made out and put up in the court.*
20. *All suitors' money paid into court and unclaimed for six years, to go into the court fund.*
21. *Power to remove suits exceeding 10l. into superior courts.*
22. *Power to execute warrants and levy executions out of jurisdiction.*
23. *Powers of 7 & 8 Vict. c. 96. applicable to this Act.*
24. *Interpretation of terms in the Act.*
25. *Act to apply only to England.*

By this ACT,

After reciting that it is expedient and just to give creditors a further remedy for the recovery of debts due to them:—

It is Enacted,

1. That if any person is or shall be indebted to any other in a sum not exceeding 20l. besides costs of suit, by force of any judgment obtained, or of any order for the payment thereof or of any costs in any court, which judgment or order shall have been obtained from any Court of competent jurisdiction in England, it shall be lawful for the creditor so having obtained a judgment or order to obtain a summons from any Commissioner of the Court of Bankruptcy for the district in which such debtor shall reside or be, or from any court of requests or conscience, or inferior court of record for the recovery of debts, or other court for the recovery of small debts, within the jurisdiction of which such debtor shall reside or be, having Judge who shall be either a barrister at law, special pleader, or an attorney who shall have practised as an attorney for not less than ten years in one of Her Majesty's superior courts of common law at Westminster, which summons such Commissioner of the Court of Bankruptcy or such Court shall be authorized and required to grant, according to the form in Schedule (A.) hereunto annexed, upon the application of such creditor by any petition or note in writing, according to the form in Schedule (B.) hereunto annexed; and the debtor, appearing before such Commissioner or Court at the time to be appointed in such summons, shall be examined by the said Commissioner or Court, and shall, if the creditor think fit, be interrogated before the Commissioner or Court by the creditor summoning him, touching the manner and time of his contracting his debt, the means or prospect of payment he then had, the property or means of payment he still hath or may have, the disposal he may have made of any property since contracting such debt; and such creditor shall also, if such Commissioner or Court shall think fit, be examined by the said Commissioner or Court touching his claim against the said debtor, and shall, if the debtor think fit, be interrogated before such Commissioner or Court by the said debtor touching the said claim against him; and it shall be lawful for such Commissioner or Court to make an order on the said debtor for the payment of his debt by instalments otherwise; and in case such debtor shall not attend as required by the said summons, and shall not allege a sufficient cause for not attending, or shall if attending refuse to disclose his property, or his transactions respecting the same, or respecting the contracting of the debt, or shall not make answer thereof to the satisfaction of the Commissioner or Court, or shall appear to such Commissioner or Court to have been guilty of fraud in contracting the debt, or of having wilfully concealed it without reasonable prospect of being able to pay it, or of having concealed or made away with his property in order to defraud his creditors, or if he appears to have the means of paying the same by instalments or otherwise, and shall not pay

the same at such times as the Commissioner or Court shall order, or as the Court shall have ordered in which the original judgment shall have been obtained or order made, then in any of the said cases it shall be lawful for such Commissioner or the Judge of such court to order such debtor to be committed, for any time not exceeding forty days, to the common gaol wherein the debtors under judgment and in execution of the superior courts of justice may be confined within the county, city, borough, or place in which such debtor shall be resident, or to any other gaol or debtors prison within the same county, city, borough, or place which shall by any declaration of one of Her Majesty's Principal Secretaries of State be allowed as a place of imprisonment under this Act, so long as such declaration shall remain in force and unrevoked.

II. That every bailiff and messenger to whom any such order shall be issued, or who shall be acting as an officer of the high bailiff of Westminster or Southwark in the execution of any such order issued to such high bailiff, shall be thereby empowered to take the body of the person against whom such order shall be made, and all constables and other peace officers within their several jurisdictions shall aid in the execution of every such order; and no protection, or interim or other order issuing out of any Court of Bankruptcy or for the relief of insolvent debtors, nor any certificate obtained after such order for imprisonment under this Act, shall be available to any debtor imprisoned under such order as aforesaid.

III. And it is declared and enacted, That no imprisonment under this Act shall in anywise operate as satisfaction or extinguishment of any debt or demand; but any person imprisoned under this Act, who shall have paid or satisfied the debt or demand, or the instalments thereof payable, and costs remaining due at the time of the order of imprisonment being made, and all subsequent costs, shall, upon entry of such payment indorsed on the order of imprisonment, signed by the plaintiff or his attorney, be discharged out of custody by leave of a Commissioner or Judge of the court in which the order of imprisonment was made.

IV. That the Judge of every court of requests or conscience, and of every inferior court of record for the recovery of debts, and of every other court for the recovery of small debts, of which the Judge is a barrister at law or special pleader, or an attorney of ten years' standing of one of Her Majesty's superior courts of common law at Westminster, in which court proceedings shall be had for the recovery of any debt or demand within the jurisdiction of the said court, shall have the like powers, in the suit instituted for recovery of such debt or demand, of examining the parties to the suit, and, upon occasion of pronouncing judgment therein, if judgment be given for the plaintiff, shall have the like powers of further examining the parties, and, in the several cases hereinbefore specified, of committing the defendant to prison, which he might exercise under the provision hereinbefore contained, if judgment for such debt or demand had been obtained in his court, and the judgment creditor had obtained a summons for such defendant from the same court under this Act; and all the provisions of this Act shall be deemed to apply to such case as if such summons had been obtained.

V. Provided and enacted, That in any city, town, or district wherein there are several courts for the recovery of small debts, neither of the said Courts shall have any power under this Act in respect of any debt which shall have been sued for in the other of the said courts in the same city, town, or district, unless such other of the said Courts shall not have a Judge qualified as hereinbefore specified.

VI. And it is declared and enacted, That in making application to any Commissioner or Court as aforesaid, or taking any proceedings under this Act, or under the Act of the last session of Parliament, intituled 'An Act to amend the Law of Insolvency, Bankruptcy, and Execution,' or under 5 & 6 Vict. c. 116, intituled 'An Act for the Relief of Insolvent Debtors,' it shall not be requisite for any party, whether creditor or debtor, to employ either counsel or attorney or solicitor.

VII. That any affidavit of any prisoner in any of Her Majesty's prisons or gaols in England to be used in matters of bankruptcy or insolvency, or under or by virtue of any statute relating to bankrupts or insolvent debtors, or of this Act, may be sworn before the visiting or other Justice, or if within twelve hours none such shall attend, then by the principal keeper or gaoler of such prisons or gaols respectively, and they and he shall be respectively authorized and required to administer the oath upon any such affidavit or affidavits.

And after reciting that it is expedient to protect the actual necessities of or belonging to judgment debtors from being seized in execution:—

It is Enacted,

VIII. That from and after the passing of this Act the wearing apparel and bedding of any judgment debtor or his family, and the tools and implements of his trade, the value of such apparel, bedding, tools, and implements not exceeding in the whole the value of 5*l.*, shall not be liable to seizure under any execution or order of any Court against his goods and chattels.

IX. That it shall be lawful for Her Majesty, with the advice of Her Privy Council, to enlarge the jurisdiction of any such court of requests or conscience, or inferior court of record for the recovery of debts, or other court for the recovery of small debts, to all debts and demands, whether on balance of account or otherwise, or damage arising out of any express or implied agreement, not exceeding 20*l.*, and in such cases as Her Majesty, with the advice aforesaid, may think fit, to enlarge the district of any such court, or, where any part of the district of such court is comprised within the jurisdiction of any other like court, to contract the same, and also to make any alteration or regulation for the holding or sitting of any such Court both as to time and place, anything in any Act constituting any such court to the contrary notwithstanding; and all powers and authorities now vested in any such court, the jurisdiction or district whereof shall be so enlarged, or the district whereof shall be so contracted, shall apply and extend to the jurisdiction or district given or limited under the powers of this Act, and that as fully as if such jurisdiction or district had been given by the Act or Acts establishing or regulating such court and its proceedings; provided always, that no such order shall take effect in respect of any court which shall not have a Judge who is either a barrister at law, or special pleader, or an attorney of one of Her Majesty's superior courts of common law at Westminster who shall have practised as an attorney for at least ten years; and in any court in which there shall be no Judge qualified as aforesaid the person or persons to whom the appointment of Judge, or, if there be no Judge, to whom the appointment of any clerk of the court, belongs, or the majority of such persons, who shall be present at a meeting called for the purpose, shall within three calendar months next after the making of any such order, and also within three calendar months

next after any vacancy of the said office of Judge, appoint a Judge, qualified as aforesaid, subject to the approval of Her Majesty, to be signified under the royal sign manual; and in default of any such appointment as aforesaid it shall be lawful for Her Majesty to appoint a Judge, qualified as hereinbefore provided, for the court in which such default shall have been made; provided always, that no Judge, clerk, or officer of any court whose emoluments shall be increased under this Act, nor any person or persons whose franchise or right of appointment to any office in any court shall become more valuable under this Act, shall be entitled to any compensation for any such increase of emoluments, or increased value of any such franchise or right of appointment, if the same, or the value of the same, shall be diminished or taken away by any alteration in the constitution of the said Court, or otherwise, by Act of Parliament: Provided also, that notice of the intention of Her Majesty, with the advice of Her Privy Council, to take into consideration the expediency of making any such order, and of the time when the same will be considered, shall be given in the *London Gazette* one calendar month at least before the same shall be so considered.

x. That every Judge of any such court of requests or conscience, or inferior court of record for the recovery of debts, or other Court for the recovery of small debts, shall be removable by the Lord Chancellor for misbehaviour or incapacity.

xI. That in all cases of debts and demands which were not within the jurisdiction of the Court before the passing of this Act, and also whenever the number of Commissioners present at any court shall not be sufficient for the trial of causes according to the constitution of the court before the passing of this Act, the Judge shall act alone, with all the powers of the Court, and shall determine all questions, as well of fact as of law, in the causes which shall be brought before him.

xII. That in all cases of illness or unavoidable absence, the cause whereof shall be entered in the minutes of the Court, it shall be lawful for the Judge, or, in case of the inability of the Judge, for the Commissioners, or the person or persons to whom the appointment of the Judge belongs, to appoint a deputy, qualified as is hereinbefore provided in the case of the Judge, to act for him during such illness or unavoidable absence; and it shall also be lawful for the Judge, with the approval of the person or persons to whom the appointment of Judge belongs, and of one of Her Majesty's principal Secretaries of State, to appoint a deputy, qualified as aforesaid, to act for him for any time or times not exceeding in the whole one calendar month in any consecutive period of twelve calendar months; and any deputy so appointed, while acting under such appointment, shall have all the powers and perform all the duties of such Judge: Provided always, that, independently of the power herein contained, every Judge shall have the same power of appointing a deputy or deputies to hold his court for all cases of debts and demands within the jurisdiction of the Court as it was constituted before the passing of this Act which he has under the Act or Acts according to which the court is now constituted, and that such deputy or deputies, if qualified as is hereinbefore provided in the case of the Judge or in the case of any deputy appointed before the passing of this Act, if approved by one of Her Majesty's principal Secretaries of State, shall have in all cases within the extended jurisdiction of the Court the powers and privileges, and be subject to the same liabilities, and perform all the duties of such Judge while acting under such appointment.

xIII. That, until Parliament shall otherwise direct, the execution of all process issuing out of any of the last-mentioned courts, the jurisdiction of which shall include the city and liberty of Westminster or any part thereof, shall belong to the high bailiff of Westminster, and out of any court the jurisdiction of which shall include the borough of Southwark, or any part thereof, shall belong to the high bailiff of Southwark.

xIV. That the Judge of any such court, the jurisdiction or district whereof shall be extended under the powers of this Act, shall, subject to the approval of one of Her Majesty's principal Secretaries of State, frame a table of fees to be payable by the suitors of such court or courts in respect of every proceeding therein; and a table of such fees shall be put in some conspicuous place in the court house and in the clerk's office; and the fees on every proceeding shall be paid, in the first instance, by the plaintiff or party on whose behalf such proceeding is to be had, on or before such proceeding; and all such fees shall be received by the clerk or clerks of such court, who shall account to the other officers of such court for the amount or proportion thereof which shall be payable to them respectively, and shall also in the month of March in every year render to one of Her Majesty's principal Secretaries of State an account of all such fees which shall have been received in the year ending on the last day of December then next preceding: Provided always, that it shall be lawful for the Secretary of State to lessen the amount of the fees to be taken in any one or more of the courts the jurisdiction or district whereof shall be extended as aforesaid, in such manner as to him shall seem fit, and again to increase such fees, so that the scale of fees given in the Schedule to this Act marked (C.) be not in any case surpassed: Provided also, that in all cases where any Judge, clerk, or other officer of any such court shall have been paid by salary instead of fees, such Judge, clerk, or other officer shall continue to receive such salary in respect of the business now within the jurisdiction of such court, and, in respect of the business under the powers of this Act, such fees applicable thereto as are set out in the said Schedule (C.), or such additional salary instead of such fees as the Secretary of State shall direct; and all sums payable in the name of fees to any such Judge, clerk, or other officer, over and above the amount of such salary, shall be applicable for such purposes and in the manner prescribed by the Act or Acts of Parliament under which such Court is constituted; and that in awarding compensation to any Judge, clerk, or officer of any such court under the provisions of the said Act of the last session of Parliament, account shall be taken of the fees and emoluments to which he shall become entitled under this Act, and any increase of his fees and emoluments under this Act shall go in diminution of the amount to be awarded to him for such compensation.

xV. That the registrars of the Court of Bankruptcy shall be entitled to take the fees on every proceeding had under this Act before or under the authority of any Commissioner of the Court of Bankruptcy in his district which are specified in the Schedule marked (D.) hereunto annexed, and the messengers and ushers of the Court of Bankruptcy shall be severally entitled to have the same fees which are provided as the bailiffs and serjeants fees in the Schedule (C.) hereunto annexed, subject to such alterations as may be made in the said several fees by the Court of Bankruptcy, so as not to exceed the scales fees herein provided.



xvi. Provided and enacted, That nothing hereinbefore contained shall extend to or affect any fees or salary payable by virtue of any existing Act or Acts for business or proceedings in any Court for the recovery of small debts, except such business or proceedings as shall be had under or by virtue of this Act; but it shall be lawful for the Judge of any court, with the approval of one of Her Majesty's principal Secretaries of State, to alter the fees receivable under the Act or Acts under which his court is now constituted, but not so as to exceed the scale of fees given by such Act or Acts respectively.

xvii. That for raising a fund for providing a court house and offices for any court of requests, or other court for the recovery of small debts, and for other purposes hereinafter mentioned, the clerk or clerks of any such court in which and while it shall be necessary to raise such fund shall demand and receive from the plaintiff in every suit brought in that court, before he shall issue any summons in that suit, the sum of 6*d.* when the debt or damage claimed shall not exceed 20*s.*, and for every claim exceeding 20*s.* one fortieth part thereof (neglecting any sum less than 3*d.* in estimating such fortieth part), or other such sum, in either case not exceeding the rates hereinbefore mentioned, as the Secretary of State from time to time shall order, which sum shall be paid in all cases in the first instance by the plaintiff upon suit brought in such court, and shall be considered as costs in the cause; and the clerk or clerks of the court shall keep an account of all monies so paid to him or them, and shall account for the same to the Judge of such court for the time being, and the amount thereof shall accumulate, to form a general fund for such court, and shall be applied in providing a court house and offices, or in defraying the rent and taxes, stationery, and other necessary expenses of holding and carrying on the business of such court, in such manner as the Court for the time being, with the approval of the Secretary of State, shall direct.

xviii. That either of the parties to the suit or any other proceeding before any such Commissioner or in any such court may obtain summonses to witnesses, to be served by a messenger or bailiff, with or without a clause requiring the production of books and writings in their possession or controul, and in any such summons any number of names may be inserted; and every person on whom any such summons shall be personally served within the jurisdiction of the Court, and to whom at the same time payment or tender of his expenses shall have been made, on such scale of allowance as shall be from time to time settled by the Court of Bankruptcy or Judge of any such Court as aforesaid, as the case may be, with the approval of one of Her Majesty's principal Secretaries of State, and who shall refuse or neglect, without sufficient cause, to appear, or to produce any books or writings required by such summons to be produced, and also every person present in court who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine not exceeding 5*l.* as the Commissioner or Judge shall set on him, and payment of such fine shall be enforced in like manner as payment of any debt recovered by judgment of any Court of competent jurisdiction; and the whole or any part of such fine, in the discretion of the Judge, after deducting the costs, shall be applicable toward indemnifying the party injured by such refusal or neglect, and the remainder thereof shall be applicable to the expenses of the court in which the fine was imposed.

xix. That the clerk or clerks of every such Court shall in the month of March in each year make out a correct list of all sums of money belonging to suitors in the court which shall have been paid into court, and which shall have remained unclaimed for the space of twelve calendar months before the first day of the month of January, specifying the names of the parties for whom or on whose account the same were so paid into court; and a copy of such list shall be put up and remain during court hours in some conspicuous part of the court house, and at all times in the clerk's office.

xx. That all sums of money which shall have been paid into any such court to the use of any suitor or suitors thereof, and which shall have remained unclaimed for the period of six years before the passing of this Act, and which are now in the hands of any commissioner, trustee, Judge, or officer of such court, or otherwise held in trust for such suitors, and all further sums of money which shall hereafter be paid into any such court to the use of any suitor or suitors thereof, shall, if unclaimed, for the period of six years after the same shall have been so paid into court, vest in and belong to the Judge or Judge and Commissioners of such court for the time being, in trust for the general purposes of such court, and shall form a general fund, for the payment of all debts due on behalf of the court, and the necessary expenses of holding or carrying on the business of such court.

xxi. That any suit to be instituted in any such court, wherein the claim or demand shall exceed the sum of 10*l.*, shall be removable by certiorari or otherwise into any of Her Majesty's superior courts of common law at Westminster, or into the Court of Common Pleas at Lancaster, by leave of a Judge of any one of the said Courts, and upon such terms as he shall order.

xxii. That in all cases where final judgment shall have been obtained in any such court, and a warrant or execution shall have issued against the goods and chattels of the defendant, or an order for his commitment shall have been made, under this Act, and the defendant, or his goods and chattels, shall be out of the jurisdiction of such court, it shall be lawful for the officer charged with such warrant, execution, or order of commitment to apply to any Justice of the Peace acting for any county, division, or place in which the defendant, or his goods and chattels, shall then be, upon proof being made upon oath (which oath such Justice shall be empowered to administer) that the person or goods and chattels of such defendant is or are believed to be within the county, division, or place where such Justice of the Peace shall act, such Justice of the Peace shall sign or indorse his name upon the said warrant, execution or order of commitment, and thereupon the said officer charged therewith shall take and seize the person or the goods and chattels of the defendant, wheresoever the same shall be found within the county, division, or place for which such Justice of the Peace shall act, and all constables and other peace officers shall be aiding and assisting within their respective districts in the execution of the said warrants, executions, or orders.

xxiii. And it is declared and enacted, That all the enactments of the said Act of the last session of Parliament, and of the several Acts under which the said several courts are now held or constituted, shall within their several districts be deemed to apply to every proceeding under this Act, so far as the same are applicable, and not repugnant to the provisions of this Act.

xxiv. That in the construction of this Act the word "Judge" shall be construed to include every person, being either a barrister at law or a special pleader, or an attorney of one of Her Majesty's superior courts of common law at Westminster who shall have practised as an attorney for at least ten years in one of Her Majesty's superior courts of common law at West-

minister, who, according to the constitution of the court, presides in any such court as aforesaid, or acts as Judge or assessor therein, whether by the title of Judge, or barrister, or county clerk, assessor, or steward or deputy steward, or by any other style or title whatsoever; and the word "person" shall include a body corporate; and every word importing the singular number or masculine gender shall include also several persons or things, and females as well as males, unless the context shall require another construction.

xxv. That this Act shall apply only to England.

### SCHEDULES to which this Act refers.

#### SCHEDULE (A.)

You are hereby required to appear before [*set forth the Court's Style*] at [ ], on the Day of next, to answer such Questions as may be put to you touching the not having paid to A.B. of [ ] the sum of £ [ ] recovered in a certain Judgment [*or Order*] of [*set forth the Style or other sufficient Description of the Court that gave the Judgment or made the Order.*]  
To C.D. of [ ].

By Order of the Court,  
Signed

#### SCHEDULE (B.)

Be pleased to summon C.D. of [ ] to answer touching the Debts due to me by the Judgment [*or Order*] of the Court of [*set forth the Style or other sufficient Description of the Court which gave the Judgment or made the Order*] on my Behalf.  
Signed [*Party's Name*] of [ ].

#### SCHEDULE (C.)

JUDGE'S FEES.	On Demands not exceeding 40s.	On Demands not exceeding 5l.	On Demands exceeding 5l. and not exceeding 10l.	On Demands exceeding 10l.
For every Summons . . . . .	s. d. 0 6	s. d. 1 0	s. d. 2 0	s. d. 3 0
For every Hearing or Trial . . . . .	2 0	2 6	7 6	10 0
CLERK'S FEES.	On Demands not exceeding 40s.	On Demands exceeding 40s. and not exceeding 5l.	On Demands exceeding 5l. and not exceeding 10l.	On Demands exceeding 10l.
For entering every Pleint, Petition, or Note . . . . .	s. d. 0 6	s. d. 1 0	s. d. 1 6	s. d. 2 0
For suing every Summons or Subpœna . . . . .	0 6	1 0	1 6	2 0
For every Hearing or Trial . . . . .	1 0	1 6	2 0	2 6
For adjournment of any Cause or Hearing . . . . .	0 3	0 4	0 6	0 8
For swearing any Witness, Plaintiff, or Defendant . . . . .	0 4	0 6	0 8	1 0
For entering and drawing up every Judgment, Decree, or Order . . . . .	0 6	1 0	1 6	2 0
For copy of every Order or Judgment . . . . .	0 3	0 6	1 0	1 3
For every Nonsuit . . . . .	0 6	1 0	2 0	2 6
For paying Money into Court, and entering same in Books . . . . .	0 3	0 4	0 6	0 8
For every Receipt on Payment of Money out of Court, exclusive of Stamp . . . . .	0 4	0 6	1 0	1 3
For suing every Attachment, Precept, Order, or Execution . . . . .	1 0	1 6	2 6	3 0
For taking Recognizance of Security for Costs . . . . .	—	—	2 6	3 0
For taking Costs . . . . .	1 0	1 0	2 0	3 0

BAILIFF'S AND SERJEANT'S FEES.	On Demands not exceeding 40s.	On Demands exceeding 40s. and not exceeding 5 <i>l</i> .	On Demands exceeding 5 <i>l</i> . and not exceeding 10 <i>l</i> .	On Demands exceeding 10 <i>l</i> .
For calling every Plaintiff or Defendant . . . . .	s. d. 0 2	s. d. 0 3	s. d. 0 5	s. d. 0 6
For serving every Summons, Order, or Subpœna within One Mile of the Court House . . . . .	0 4	0 6	0 10	1 0
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House . . . . .	0 2	0 3	0 4	0 4
For the Execution of any Warrant, Precept, or Attachment against the Goods or Body . . . . .	1 0	1 6	2 6	3 0
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House . . . . .	0 2	0 3	0 4	0 4
If an Assistant Serjeant should be necessary, in the Judgment of the Court, then for Assistant . . . . .	0 6	1 0	2 0	2 6
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House . . . . .	0 2	0 3	0 4	0 4
For carrying every Plaintiff, Defendant, or Delinquent to Prison (including all Expenses and Assistants), for every Mile . . . . .	0 6	0 6	0 6	0 6

## SCHEDULE (D.)

FEES to be taken by the REGISTRARS of the Courts of Bankruptcy.

	If Debt is under 5 <i>l</i> .	If 5 <i>l</i> . and under 10 <i>l</i> .	10 <i>l</i> . and not exceeding 20 <i>l</i> .
On filing Application for Summons . . . . .	s. d. 0 6	s. d. 0 9	s. d. 1 0
For Summons . . . . .	0 6	0 9	1 0
Order . . . . .	1 0	1 6	2 0
For every Examination . . . . .	0 6	0 9	1 0
For every warrant . . . . .	0 6	0 9	1 0
On filing Affidavits or other documents . . . . .	0 6	0 9	1 0
For every Search . . . . .	0 6	0 9	1 0
For registering every Order . . . . .	0 6	0 9	1 0
For Copies of any Documents filed, 1 <i>d</i> . per Folio of Ninety words.			

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8 & 9 VICTORIÆ, 1845.

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# LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

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8 & 9 VICTORIÆ.

- i. An Act to enable the Mayor and Commonalty and Citizens of the City of London to raise a Sum of Money at a reduced Rate of Interest, to pay off the Monies now charged on the Tolls and Duties payable by virtue of several Acts for improving the Navigation of the River Thames westward of London Bridge, within the Liberties of the City of London; and to amend some of the said Acts.
- ii. An Act for uniting the Birmingham and Liverpool Junction Canal Navigation Company with the Ellesmere and Chester Canal Company.
- iii. An Act for altering and enlarging the Powers and Provisions of the Acts relating to the Forth and Clyde Navigation.
- iv. An Act for the Construction of a Dock, Wharf, Walls, and other Works, by the Birkenhead Dock Commissioners at Birkenhead in the County of Chester.
- v. An Act for amending the Acts relating to the Docks at Kingston-upon-Hull, and for enlarging one of the said Docks.
- vi. An Act for paving, lighting, watching, cleansing, and otherwise improving the Parish of Wallasey, in the County of Chester; and for establishing a Police, and also a Market, within the said Parish; and for other Purposes.
- vii. An Act to incorporate the Members of the Institution called "The London Orphan Asylum," and to enable them the better to carry on their charitable Designs.
- viii. An Act to enable the Corporation of the Amicable Society for a perpetual Assurance Office to lend Money upon Mortgage for the Purpose of Investment, and also to confer other Powers upon the said Society.
- ix. An Act for repairing the Road from the South End of Sparrows Herne on Bushey Heath, through Watford, Berkhamstead Saint Peter, and Tring, in the County of Hertford, into the Town of Aylesbury in the County of Buckingham.
- x. An Act for making and maintaining a Turnpike Road from the Turnpike Road leading from Bromyard to Stourport, at or near to Stanford Bridge in the Parish of Stanford, to the Turnpike Road leading from Clifton to Worcester at or near to Ham Bridge in the Parish of Clifton-on-Teme, in the County of Worcester.
- xi. An Act to amend the Acts relating to the Docks and Harbour of Liverpool.
- xii. An Act to alter the Provisions of an Act for lighting with Gas the Town of Bradford and the Neighbourhood thereof, within the Parish of Bradford in the West Riding of the County of York.
- xiii. An Act for abolishing the Sunday Toll authorized by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Third, intituled 'An Act for paving the Streets and Lanes in the Town and Borough of Southwark, and certain Parts adjacent in the county of Surrey, and for cleansing, lighting, and watching the same, and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances therein;' and for altering and amending the same Act; and for other Purposes.
- xiv. An Act for completing the Line of the Glasgow, Parkhead, and Woodend Turnpike Roads, for incorporating the same with the Roads under the Charge of the Glasgow and Shotts Road Trustees, and for the further Improvement of and Maintenance of the said several Roads.
- xv. An Act for the better paving, lighting, and improving the Borough of Chester, and for establishing new Market Places therein.
- xvi. An Act for establishing a Market in the Town and Borough of Stoke-upon-Trent in the County of Stafford.
- xvii. An Act for amending the Acts relating to the Street leading to Clerkenwell Green; and for extending such Street, and making new Streets out of the same.
- xviii. An Act for the better lighting the Town and Suburbs of Paisley with Gas.
- xix. An Act for granting more effectual Powers for supplying with water the Inhabitants of the Town and County of the Town of Nottingham, and certain Places adjacent thereto in the County of Nottingham.
- xx. An Act to authorize the Erection of Sea Walls and Works, and a Jetty, at the Town or Parish of Cromer in the County of Norfolk, and otherwise to provide for protecting the said Town and Parish from the further Encroachment of the Sea.

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- xxi. An Act for the better ascertaining and collecting the Poor and other Rates in the Parish of Battersea in the County of Surrey.
- xxii. An Act to carry into effect an Arrangement between the Corporation of the Royal Naval School and the Committee for managing the Patriotic Fund for the Admission of Pupils into the said School.
- xxiii. An Act to alter and enlarge the Powers and Provisions of the Acts for making a Dock or Docks at Southampton.
- xxiv. An Act to amend the Acts for building a Bridge over the River Avon, from Clifton to the opposite Side of the River in the County of Somerset.
- xxv. An Act for improving and maintaining the Harbour or Port of Boddam in the County of Aberdeen.
- xxvi. An Act for enabling William Jackson, Esquire, to build and maintain a new Church in the Township of Claughton-cum-Grange in the County of Chester.
- xxvii. An Act for enabling William Potter, Esquire, to build and maintain a new Church in the Township of Claughton-cum-Grange in the County of Chester.
- xxviii. An Act to enable the North British Insurance Company to purchase Annuities, to take and hold Property, and to invest Money and Stock upon Mortgage; and for other Purposes relating to the said Company.
- xxix. An Act for the better Regulation and Management and for the Extension of the Slaughter Houses and Market Accommodation in the City of Glasgow; and for other Purposes in relation thereto.
- xxx. An Act for repairing certain Roads between Stokenchurch and the Borough of New Woodstock in the County of Oxford, and several other Roads communicating therewith.
- xxxi. An Act to enable the Glasgow, Garnkirk, and Coatbridge Railway Company to improve the Gauge of their Rails.
- xxxii. An Act for making a Railway from the Lancaster and Carlisle Railway to Birthwaite in the Parish of Windermere, to be called "The Kendal and Windermere Railway."
- xxxiii. An Act for completing the Line of the Chester and Holyhead Railway, and for amending the Act relating to the said Railway.
- xxxiv. An Act for enabling the York and North Midland Railway Company to alter the Line of the York and Scarborough Railway near the City of York.
- xxxv. An Act for extending the Manchester, Bury, and Rossendale Railway to the towns of Blackburn, Burnley, Accrington, and Colne.
- xxxvi. An Act for making a Railway from Leeds by Dewsbury to Huddersfield, all in the West Riding of the County of York, and for improving the Communication by Railway between the Towns of Leeds and Huddersfield and the town of Manchester.
- xxxvii. An Act for making a Railway from the Town of Dunstable to join the London and Birmingham Railway near Leighton Buzzard in the County of Bedford.
- xxxviii. An Act for enabling the Leeds and Bradford Railway Company to make a Railway from Shipley to Colne, with a Branch to Haworth.
- xxxix. An Act for making a Railway from Huddersfield in the West Riding of the County of York to or near Penistone in the same Riding, there to form a Junction with the Sheffield, Ashton-under-Lyne, and Manchester Railway, to be called "The Huddersfield and Sheffield Junction Railway."
- xl. An Act for making a Railway from the Great Western Railway at or near Reading to the Towns of Newbury and Hungerford, and also to join the South-Western Railway at or near Basingstoke.
- xli. An Act for the Consolidation of the Yarmouth and Norwich and Norwich and Brandon Railway Companies, and for authorizing the Construction of certain Works at Norwich in connexion with the Yarmouth and Norwich Railway.
- xlii. An Act for making a Railway from Shrewsbury in the County of Salop to Ruabon in the County of Denbigh, to be called "The Shrewsbury, Oswestry, and Chester Junction Railway."
- xliii. An Act for making a Railway from the Town of Bedford to join the London and Birmingham Railway near Bletchley in the County of Buckingham.
- xliv. An Act for making a Railway from Blackburn to Bolton in the County of Lancaster, to be called "The Blackburn, Darwen, and Bolton Railway."
- xlv. An Act for making a Railway from Lowestoft in the County of Suffolk to the Yarmouth and Norwich Railway at Reedham in the County of Norfolk, and for improving the Harbour of Lowestoft.
- xlvi. An Act to enable the Monkland and Kirkintilloch Railway Company to improve the Gauge of their Rails.
- xlvii. An Act to authorize the Newcastle-upon-Tyne and North Shields Railway Company to make a Railway from North Shields to the Village of Tynemouth, and also a Branch from the present Line to the public Quay adjoining the River Tyne at Newcastle.
- xlviii. An Act for making a Railway from Ely to Huntingdon.
- xlix. An Act to empower the Midland Railway Company to extend the said Railway from Nottingham to Newark and Lincoln.
- l. An Act for making a Railway from a Place in the Parish of Bole in the County of Nottingham, near to the Town and Port of Gainsborough, to the Town and Port of Great Grimsby in the Parts of Lindsey in the County of Lincoln, with Branches to the District or Place called New Holland, and to the Town of Market Rasen, to be called "The Great Grimsby and Sheffield Junction Railway."
- li. An Act for making a Branch Railway from the Hull and Selby Railway to Bridlington, and for other Purposes relating to the Hull and Selby Railway.
- lii. An Act to enable the Brighton, Lewes, and Hastings Railway Company to make a Branch Railway from Southover, Lewes, to join the London and Brighton Railway at Keymer.
- liii. An Act for making a Railway from the Great Western Railway to the City of Salisbury and Town of Weymouth, with other Railways in connexion therewith, to be called "The Wilts, Somerset, and Weymouth Railway."
- liv. An Act for amending the Acts relating to the Manchester and Leeds Railway, and for making a Branch therefrom to Burnley, and for extending the Oldham and Heywood Branches.
- lv. An Act for making a Railway from Lynn to Ely, with Branches therefrom.
- lvi. An Act to empower the Midland Railway Company to make a Branch from the said Railway, near Syston in the County of Leicester to the City of Peterborough.

- lvii. An Act for authorizing the Sale of the Whitby and Pickering Railway to the York and North Midland Railway Company, and for enabling the said Company to make certain Deviations or Alterations in the Line of the Whitby and Pickering Railway.
- lviii. An Act for enabling the York and North Midland Railway Company to make a Branch Railway from the Line of the York and Scarborough Railway, in the Township of Seamer, to Bridlington.
- lix. An Act for amending an Act of the Forty-first Year of the Reign of His Majesty King George the Third relating to the Port of Newcastle-upon-Tyne; and for granting further Powers and for establishing and maintaining an efficient River Police, and for regulating the said Port.
- lx. An Act for constructing Docks, Walls, Warehouses, and other Works in Birkenhead.
- lxi. An Act for constructing Docks at Wexford, to be called "The Castle Hill Docks," and for the Regulation and Management thereof.
- lxii. An Act to amend the Acts relating to the Hungerford and Lambeth Suspension Foot Bridge Company, hereafter to be called "The Charing Cross Bridge Company," and for granting further Powers to the said Company.
- lxiii. An Act for the better supplying with Gas the Township of Pudsey and the Village of Farsley, and the Neighbourhood thereof, all in the Parish of Calverley in the West Riding of the County of York.
- lxiv. An Act for better supplying with Gas the Borough of Devonport.
- lxv. An Act for better supplying with Gas the Town and Neighbourhood of Plymouth.
- lxvi. An Act to enlarge the Powers of the Birmingham and Staffordshire Gas Light Company.
- lxvii. An Act for better supplying with Gas the Town and Neighbourhood of Taunton in the County of Somerset.
- lxviii. An Act for better supplying with Water the Towns of Scarborough and Falsgrave in the Parish of Scarborough in the County of York.
- lxix. An Act for uniting the Vauxhall and Southwark Water Companies into One Company, to be called The Southwark and Vauxhall Water Company, and for extending the Works of the said Company.
- lxx. An Act to alter, enlarge, and amend an Act for supplying with Water the Town and Neighbourhood of Huddersfield in the West Riding of the County of York.
- lxxi. An Act for supplying the Borough and County of Newcastle-upon-Tyne and the Borough of Gateshead in the County of Durham, and the Neighbourhoods thereof, with Water, from Whittle Dean in the Parish of Ovingham, and there Places in Northumberland.
- lxxii. An Act to enable the Shaws Water Joint Stock Company to increase the Supply of Water for driving Mills and Machinery near the Town of Greenock, and for the Use of the Inhabitants of the said Town and Harbours thereof.
- lxxiii. An Act to regulate the loading of Ships with Coals in the Port of Newcastle-upon-Tyne.
- lxxiv. An Act for better assessing and collecting the Poor Rates, Highway Rates, and Church Rates in the Parish of Hemel Hempstead in the County of Hertford.
- lxxv. An Act to alter and extend some of the Provisions contained in the Act of Parliament constituting "The Standard Life Assurance Company."
- lxxvi. An Act for conferring on the Edinburgh Life Assurance Company certain privileges of a Corporate Body, and as such to sue and be sued, to hold property, and for other purposes relating thereto.
- lxxvii. An Act for amending the Act establishing "The West of London and Westminster Cemetery Company;" and for enabling the Company to raise a further Sum of Money.
- lxxviii. An Act to enable the Master, Wardens, and Commonalty of Watermen and Lightermen of the River Thames to invest their Poor's Fund and the Endowment Fund of the Free Watermen and Lightermen's Asylum in the Purchase of Land or on Mortgage, and to hold Lands for the Purposes of the said Funds.
- lxxix. An Act for the more easy and speedy Recovery of Small Debts within the Town of Crediton in the County of Devon, and other places in the same County.
- lxxx. An Act to authorize the London and Greenwich Railway Company to let on Lease the London and Greenwich Railway, and for amending the Acts relating to such Railway.
- lxxxi. An Act for making a Railway from Belfast to Ballymena in the County of Antrim, with Branches to Carrickfergus and Randalstown.
- lxxxii. An Act to empower the North British Railway Company to purchase the Edinburgh and Dalkeith Railway, and to alter part of the Line of the said Railway and of the North British Railway, and to construct certain Branch Railways in connexion therewith.
- lxxxiii. An Act to enable the Lancaster and Carlisle Railway Company to alter the line of such Railway, and to make a Branch therefrom; and for other purposes relating thereto.
- lxxxiv. An Act for enabling the York and North Midland Railway Company to make a Railway from the Line of the York and North Midland Railway to Harrogate.
- lxxxv. An Act for making a Railway from the Eastern Counties and Thames Junction Railway, near the Mouth of the River Lea, to North Woolwich.
- lxxxvi. An Act for authorizing the sale of the Guildford Junction Railway.
- lxxxvii. An Act for making a Railway from Waterford to Kilkenny, with a Branch to Kells, in the County of Kilkenny.
- lxxxviii. An Act for making a Railway from Exeter to Crediton in the County of Devon.
- lxxxix. An Act for improving the Navigation of the River and Bay leading to the Borough of Bridgwater; for maintaining the present Bridge, and extending the Quays within the Borough; and for forming a Communication by Road and by Railway between the Quays and the Bristol and Exeter Railway.
- xc. An Act for authorizing the Consolidation of the Sheffield and Rotherham Railway with the Midland Railways, and for making a Branch Railway from and other Works in connexion with the said Sheffield and Rotherham Railway.
- xci. An Act to amend the Acts relating to the Edinburgh and Glasgow Railway; and to authorize the Formation of additional Branches.
- xcii. An Act for enabling the Newcastle and Darlington Junction Railway Company to purchase the Brandling Junction Railway; and to enable the said Company to make certain Branch Railways, Stations, and Works; and for other Purposes.

- xciii. An Act for making a Railway from Southampton to Dorchester, with a Branch to the Town of Poole.
- xciv. An Act to amend the Act relating to the Eastern Union Railway Company, and to raise a further Sum of Money for the Purposes of the said Undertaking.
- xcv. An Act to authorize an Extension of the Glasgow, Paisley, Kilmarnock, and Ayr Railway to near Cumnock; and to amend the Acts relating to such Railway.
- x cvi. An Act for effecting a Railway Communication between Dundalk and Enniskillen.
- xcvii. An Act for making a Railway from the Eastern Union Railway at Ipswich to Bury St. Edmunds.
- xcviii. An Act for making a Railway from Londonderry to Enniskillen.
- xcix. An Act to authorize the Chester and Birkenhead Railway Company to extend the said Railway from Grange Lane to Bridge End, all in Birkenhead; and to amend the Acts relating to the said Railway.
- c. An Act for making a Railway from Whitehaven in the County of Cumberland to a Point of Junction with the Furness Railway in the Parish of Dalton in the County Palatine of Lancaster, to be called "The Whitehaven and Furness Junction Railway."
- ci. An Act for amending the Act relating to the Manchester, Bury, and Rossendale Railway.
- cii. An Act to enable the Great North of England Railway Company to make a Branch Railway, to be called "The Great North of England and Richmond Railway," in the County of York.
- ciii. An Act for altering the Line of the Blackburn and Preston Railway; and for amending the Act relating thereto.
- civ. An Act for making a Railway from Leeds to Thirsk, with Branches therefrom.
- cv. An Act for making a Railway from the Sheffield, Ashton-under-Lyne, and Manchester Railway at Stalybridge to the Manchester and Leeds Railway at Kirkheaton, with a Branch therefrom; and for consolidating into one Undertaking the said proposed Railway and the Huddersfield Canal Navigation.
- cvi. An Act for making and maintaining a Railway from Porth Dyllaen in the Parish of Ederne to Bangor in the County of Carnarvon, to be called "The North Wales Railway."
- c vii. An Act to amend the Act relating to the Taw Vale Railway and Dock.
- c viii. An Act for making a Railway to connect the Manchester and Birmingham, and Sheffield, Ashton-under-Lyne, and Manchester Railways, near Guides Bridge; and for other Purposes connected with the said Manchester and Birmingham Railway.
- cix. An Act for amending an Act relating to the Ashton, Stalybridge, and Liverpool Junction Railway, and for making a Branch therefrom to Ardwick.
- cx. An Act to enable the Eastern Counties Railway Company to make a Deviation from the Line of their authorized Railway between Ely and Peterborough.
- cxi. An Act for making a Railway to connect the Manchester and Birmingham and Liverpool and Manchester Railways in the Parish of Manchester, and also to Altrincham in the County of Chester, to be called "The Manchester South Junction and Altrincham Railway."
- cxii. An Act for making a Railway from Stafford to Rugby.
- cxiii. An Act for making a Branch Railway from the London and Brighton Railway to or near to the Town of Horsham in the County of Sussex.
- cxiv. An Act to amend the Act relating to the Ulster Railway Company; and to enable the said Company to make a Railway from Portadown to Armagh.
- cxv. An Act to authorize the North Wales Mineral Railway Company to extend their Line to Ruabon, and to make a Branch Railway from Rhos Robin to Minera, and to raise additional Capital for those Purposes.
- cxvi. An Act for enabling the North Union Railway Company and the Ribble Navigation Company to make a Branch or Connexion Railway from the North Union Railway to the Victoria Quay in Preston; and for amending and enlarging the Powers and Provisions of the several Acts relating to such Railway and Navigation respectively.
- cxvii. An Act for uniting the Sankey Brook Navigation with the Saint Helens and Runcorn Gap Railway; and for other Purposes.
- cxviii. An Act for enabling the Great North of England, Clarence, and Hartlepool Junction Railway Company to make a Branch Railway; and for amending the Acts relating to the said Railway.
- cxix. An Act for making a Railway from Dublin to Mullingar and Longford, to be called "The Midland Great Western Railway of Ireland."
- cxx. An Act for making a Railway from the Market Town of Cockermouth to the Port and Harbour of Workington in the County of Cumberland.
- cxxi. An Act for making a Railway from Richmond in the County of Surrey to the South-western Railway at Batterssea in the same County, to be called "The Richmond Railway."
- cx xii. An Act for making a Railway from Cork to Randon.
- cx xiii. An Act for enabling the Liverpool and Manchester Railway Company to extend and enlarge the said Railway, and to make certain Branch Railways, and for amending and enlarging the Powers of the several Acts relating to the said Railway.
- cx xiv. An Act to authorize the Extension of the Great Southern and Western Railway to the City of Cork, with a Branch Railway to the City of Limerick.
- cx xv. An Act to amend the several Acts relating to the Preston and Wyre Railway, Harbour, and Dock Company; and to enable the said Company to make Three several Branch Railways.
- cx xvi. An Act for making a Railway from Lynn to East Dereham.
- cx xvii. An Act for making a Railway from Middlesbrough to or near the Town of Redcar in the North Riding of the County of York, to be called "The Middlesbrough and Redcar Railway."
- cx xviii. An Act to enable the Dublin and Drogheda Railway Company to make a Branch Railway to Howth; and to amend the Acts relating to such Company.
- cx xix. An Act for making a Railway from the Town of Newry to the Town of Enniskillen.
- cx xx. An Act for making a Railway from Drogheda to Portadown, with a Branch to Navan.
- cx xxi. An Act for making and maintaining a Railway from the City of Waterford to the City of Limerick, with Branches.

- cxix. An Act for lighting with Gas the Town and Townshp of Glossop in the County of Derby.
- cxlii. An Act for consolidating the Management of the Bridges over the Clyde at Glasgow; for rebuilding the Bridge over the said River opposite Stockwell Street, in the City of Glasgow; for erecting a temporary Bridge for the Use of the Public; for erecting across the said River an Iron Bridge for Foot Passengers, on the existing Bridge opposite to Portland Street of Laurieston being taken down; and other Purposes.
- cxliii. An Act for improving the Markets in the Borough and Town of Totnes in the County of Devon, and for better supplying the Borough with Water.
- cxliiii. An Act for better supplying with Water the Town of Wolverhampton in the County of Stafford.
- cxliiii. An Act for making Two new Streets, with Improvements and Waterworks, within the Town of Lyme Regis in the County of Dorset, and for watching and lighting the said Town.
- cxliiii. An Act for supplying with Water the Royal Burgh of Dundee and Suburbs thereof.
- cxliiii. An Act for better supplying with Water the Town and Township of Blackburn in the County Palatine of Lancaster.
- cxliiii. An Act for amending the Acts relative to the improving of the Pier and Port of Hartlepool in the County of Durham.
- cxli. An Act for making and maintaining Reservoirs in the Parish of Kendal in the County of Westmoreland.
- cxli. An Act to effect Improvements in the Borough of Manchester for the Purposes of promoting the Health of the Inhabitants thereof.
- cxlii. An Act for the Improvement of the Borough of Belfast.
- cxlii. An Act for better paving, lighting, cleansing, regulating, and improving the Parish of Saint Luke, Chelsea (exclusive of the District of Hans Town) in the County of Middlesex.
- cxli. An Act to make Provision for the Payment of the Debts of the Mayor, Jurats, Bailiffs, and Burgesses of the Borough of Quinborowe in the County of Kent; and for other Purposes.
- cxli. An Act for more effectually constituting and regulating the Court of Record within the Borough of Manchester, and for extending the Jurisdiction of the said Court.
- cxli. An Act for regulating legal Proceeding by and against "The Reversionary Interest Society," and for granting certain Powers to the said Society.
- cxlii. An Act to facilitate the winding up of the Affairs of the Agricultural and Commercial Bank of Ireland.
- cxlii. An Act for altering and amending certain Acts relating to the Forth and Clyde Navigation and the Edinburgh and Glasgow Union Canal, and for forming a Junction between the said Navigation and Canal.
- cxli. An Act to amend an Act for draining the Low Grounds and Cars in the Parish of Keyingham and other Places in the East Riding of the County of York.
- i. An Act for making and maintaining in repair a complete Line of Turnpike Road from Shepley Lane Head to the Barnesley and Grange Moor Turnpike Road at or near Redbrooke Plantation in the Parish of Darton, all in the West Riding of the County of York.
- i. An Act for repairing and maintaining the Road from Harwell to Streatley in the County of Berks.
- clii. An Act for making a Railway, to be called "The Wear Valley Railway," from and out of the Bishop Auckland and Weardale Railway to Frosterley, with a Branch terminating at or near Bishopley Crag in Stanhope in Weardale, all in the County of Durham.
- cliii. An Act for making a Railway from Aberdeen to Frickheim and Guthrie, with Branch Lines to Montrose and Brechin, to be called "The Aberdeen Railway."
- cliv. An Act for altering the Line of the Norwich and Brandon Railway, and for making a Branch therefrom to East Dereham in the County of Norfolk.
- clv. An Act to amend the Acts relating to the Bristol and Exeter Railway, and to authorize the Formation of a Junction Railway and several Branch Railways connected with the same.
- clvi. An Act for enabling the London and Birmingham Railway Company to take a Lease of the West London Railway.
- clvii. An Act for making a Railway from the Royal Burgh of Dundee in the County of Forfar to the Royal Burgh or City of Perth in the County of Perth, to be called "The Dundee and Perth Railway."
- clviii. An Act for making a Railway from Burntisland in the County of Fife to the City of Perth, with certain Branches therefrom to be called "The Edinburgh and Northern Railway."
- clix. An Act for making a Railway from the Taff Vale Railway near Ynys Meyrick to Aberdare, with a Branch therefrom, to be called "The Aberdare Railway."
- clx. An Act for making a Railway from the Termination of the Pollock and Govan Railway at Rutherglen to Hamilton, and to the Wishaw and Coltness Railway at Motherwell, to be called "The Clydesdale Junction Railway."
- clxi. An Act for making a Railway from the City of Perth, by Stirling, to the Edinburgh and Glasgow Railway, to be called "The Scottish Central Railway."
- clxii. An Act for making a Railway from Carlisle to Edinburgh and Glasgow and the North of Scotland, to be called "The Caledonian Railway."
- clxiii. An Act for making a Railway from Newcastle-upon-Tyne to Berwick-upon-Tweed, with Branches therefrom, to be called "The Newcastle and Berwick Railway."
- clxiv. An Act for making a Railway from the Edinburgh and Hawick Railway to the Town of Hawick in the County of Roxburgh.
- clxv. An Act to amend the Acts relating to the London and South-Western Railway, and to authorize Extensions thereof from the Nine Elms Terminus to a Point near to Waterloo and Hungerford Bridges in the Parish of Saint Mary Lambeth, and to the Thames at Nine Elms in the Parish of Battersea, all in the County of Surrey.
- clxvi. An Act for making a Railway from Liverpool to Wigan, Bolton, and Bury, with several Branches therefrom.
- clxvii. An Act to enable the South-Eastern Railway Company to make or complete a Branch Railway from the South-Eastern Railway at Tunbridge to Tunbridge Wells.
- clxviii. An Act to enable the Company of Proprietors of the Thames and Medway Canal to raise a further Sum of Money; and to amend the Acts relating to the said Company; and to enable the said Company to widen, extend, and maintain a Railway from Gravesend to Rochester.

- clxix. An Act to authorize the Company of Proprietors of the Monmouthshire Canal Navigation to make a Railway from Newport to Ponty Pool; and to enlarge the Powers of the several Acts relating to the said Company.
- clxx. An Act for making a Railway from the City or Royal Burgh of Perth to or near to the Town or Royal Burgh of Forfar.
- clxxi. An Act to enable the Manchester and Leeds Railway Company to raise an additional Sum of Money; and to amend the several Acts relating to the said Company.
- clxxii. An Act for making a Railway from the Manchester and Leeds Railway at Wakefield to the Towns of Pontefract and Goole, with certain Branches therefrom.
- clxxiii. An Act for deepening, regulating, and otherwise improving Falmouth Harbour in the County of Cornwall, and for forming Basins, Docks, and other Works in Penryn Creek in the aforesaid Harbour; and for other Purposes.
- clxxiv. An Act to alter and amend some of the Provisions of the Acts relating to the Cromford Canal.
- clxxv. An Act for better supplying with Water the Town and Parish of Sheffield in the County of York; and for amending the Act relating thereto.
- clxxvi. An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town of Saint Helens in the County Palatine of Lancaster, and for establishing and regulating a Market therein.
- clxxvii. An Act for more effectually paving, cleansing, lighting, and otherwise improving the Parish of St. Mary Magdalen, Bermondsey, in the County of Surrey.
- clxxviii. An Act for improving Parts of the City of Westminster.
- clxxix. An Act for embanking and reclaiming from the Sea certain Lands now under Water or subject to be overflowed by the Tide in the Lake, Lough, or Estuary called Tacumshin otherwise Tacumshin Lake, in the county of Wexford.
- clxxx. An Act for extinguishing Garden Peunies, Small Tithes, and Easter Offerings within the Parish of Saint Matthew Bethnal Green in the County of Middlesex, and for providing a Fund for the Payment of the Stipend of the Rector of the said Parish.
- clxxxi. An Act to rectify a Mistake in an Act of the present Session relating to the Leeds and Bradford Railway.
- clxxxii. An Act for making a Railway to be called "The Glasgow Junction Railway," with Branches.
- clxxxiii. An Act to enable the Birmingham and Gloucester Railway Company to make Extension Lines at Gloucester, a Branch at Stoke Prior, and a Junction with the Midland Railway at Aston juxta Birmingham.
- clxxxiv. An Act for making a Railway from Oxford to Worcester and Wolverhampton.
- clxxxv. An Act to amend the Acts relating to the London and South-Western Railway; and to authorize the London and South-Western Railway Company to buy, and the Guildford Junction Railway Company to sell, the Guildford Junction Railway.
- clxxxvi. An Act to enable the South-Eastern Railway Company to widen certain Parts of the London and Greenwich Railway.
- clxxxvii. An Act for making a Railway from Londonderry to Coleraine, with a Branch to Newtown Limavady.
- clxxxviii. An Act for making a Railway from the City of Oxford to the Town of Rugby.
- clxxxix. An Act for making a Railway from the Midland Railway in the Parish of Sawley in the County of Derby to the Parish of Alfreton in the same County, together with several Branch Railways communicating therewith, to be called "The Erewash Valley Railway."
- cxc. An Act for making a Railway to be called "The South Wales Railway."
- cxci. An Act for making a Railway from Monmouth to Hereford, with Branches therefrom to Westbury, and to join the Forest of Dean Railway.
- ccii. An Act for making a Railway from Glasgow to Croft-head near the Town or Village of Neilston, to be called "The Glasgow, Barrhead, and Neilston Direct Railway."
- cciii. An Act to amend the Acts for regulating the Pipe Water of the City of Dublin, and to enable the Lord Mayor, Aldermen, and Burgesses of the Borough of the City of Dublin to extend the Supply of Pipe Water to the several Parishes or Portion of Parishes situate in the City and County of Dublin, and adjoining to the Borough of the said City of Dublin, but outside the Boundary thereof.
- cciv. An Act for lighting, draining, cleansing, and improving the Hamlets or Liberties of Duddeston and Natchell in the Parish of Aston near Birmingham in the County of Warwick.
- ccv. An Act for more effectually maintaining, improving, and repairing the Road leading from the City of Glasgow to Yoker Bridge, and certain Roads communicating therewith.
- ccvi. An Act to enable the London and Croydon Railway Company to widen and improve the London and Croydon Railway, and also a Portion of the London and Greenwich Railway.
- ccvii. An Act to enable the South-Eastern Railway Company to alter and extend the Canterbury, Ramsgate, and Margate Branch of the said South-Eastern Railway, and to make a Branch therefrom to Deal, and to purchase the Canterbury and Whitstable Railway; and for other Purposes connected with the said Railway.
- ccviii. An Act for consolidating the Bolton and Leigh, the Kenyon and Leigh Junction, the Liverpool and Manchester, and the Grand Junction Railway Companies.
- ccix. An Act for making a Railway from the Brighton and Chichester Railway to Portsmouth, with a Branch to Fareham.
- cc. An Act to enable the Brighton, Lewes, and Hastings Railway Company to make a Railway from Bulverhithe in the County of Sussex to Ashford in the County of Kent.
- ccci. An Act for enabling the Eastern Counties Railway Company to make a Railway from Cambridge to Huntingdon.
- ccii. An Act for making additional Docks and other Works at the Haven of the Town and Port of Great Grimsby; and for amending the Acts relating to the said Haven.
- cciii. An Act for making a Railway from the London and Blackwall Railway at Stepney to the Eastern Counties Railway.
- cciv. An Act for removing Doubts relating to the Collection of certain Portions of the Borough Rates of the City and County of Bristol.

# PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

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## 8 & 9 VICTORIÆ.

1. An Act for the disposing of Part of the Estates of the late Charles Calvert Esquire, in pursuance of the Directions of a certain Decree of the High Court of Chancery, and for confirming the Sale of such Parts thereof as have been sold.
2. An Act for inclosing Lands in the Parish of Foulmire in the County of Cambridge.
3. An Act to empower John Douglas Edward Henry Duke of Argyll to charge the Dukedom and Estate of Argyll with certain Provisions to the Marchioness of Lorne, and to the younger Children of the Marriage between her and the Marquis of Lorne.
4. An Act for amending an Act of Parliament passed in the Fourth and Fifth Years of the Reign of his late Majesty King William the Fourth, intituled An Act for confirming and carrying into effect a Partition and Division of the Real and Personal Estate of William Molyneux Esquire, deceased, and for other Purposes therein mentioned.
5. An Act for enabling the Honourable Percy Barrington, Second Son of the Right Honourable William Keppel Viscount Barrington, a Minor, and Louisa Higgins, Spinster, also a Minor, to execute Settlements of the Fortune of the said Louisa Higgins, prior to and in contemplation of the Marriage between the said Percy Barrington and the said Louisa Higgins.
6. An Act to repeal so much of an Act for inclosing Lands in the Parish of Saint Mary in or near the Borough of Leicester as relates to the Regulation and Management of the Freeman's Allotments; and to make other Provisions in lieu thereof.
7. An Act for inclosing Lands in the Parish of Saint Mary in the Town and County of the Town of Nottingham.
8. An Act for inclosing Lands in the Townships of Spoad, Treverward, Purlogue, Menutton, Pentrehodrey, Hobarris, and Hobendrid in the Parish of Clun within the Manor or Lordship of Clun in the County of Salop.
9. An Act to amend an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled An Act for the Division of the Rectory of Winwick in the County Palatine of Lancaster.
10. An Act for authorizing Building Leases to be granted of Parts of the Estate devised by the Will of William Turner Esquire, deceased, the Investment of Monies bequeathed by the same Will in the Purchase or on Mortgage of Real Estates, and for other Purposes.
11. An Act to alter and amend an Act of the Eleventh Year of King George the Fourth, for inclosing Lands in the Parishes of Kidwelly, Saint Mary in Kidwelly, Saint Ishmael, and Pembrey, in the County of Carmarthen.
12. An Act to extend the Provisions of an Act of the Eleventh Year of King George the Third, Chapter Ten, relating to Morden College.
13. An Act to authorize Grants in Fee and Leases for long Terms of Years for Building Purposes of the Settled Estate of John Hawkins Esquire, deceased, situate in Cheetham in the Parish of Manchester in the County of Lancaster.
14. An Act to authorize the Sale of the Fee Simple of Part of the Settled Estates of Miss Elizabeth Mainwaring Ellerker and Miss Harriet Mainwaring Ellerker deceased, situate in the County of York, and for applying the Monies to arise by such Sale in Payment of Incumbrances affecting the said Estates, and laying out the Residue of such Monies in the Purchase of other Estates.
15. An Act for granting Building and Farming Leases of the Estates in Surrey devised by the Will of the Right Honourable Frederick John Lord Monson deceased; and for other Purposes.
16. An Act for vesting the Freehold and Copyhold Estates devised by the Wills of Francis Gildart and John Gildart, Esquires, deceased, in Trustees for Sale.
17. An Act to enable the Trustees of Sir Thomas White's Charity Estates in the City of Coventry to make Sale of Part of such Charity Estates; and for other Purposes.
18. An Act for enabling Richard Ellison Esquire and his Trustees to grant Leases of the Fosdyke Navigation in the County of Lincoln; and for other Purposes.
19. An Act to amend an Act of the Fourth Year of King George the Third, for enabling the Vicar of Rochdale in

- the County of Lancaster to grant a Lease or Leases of the Glebe Lands belonging to the Vicarage.
20. An Act to enable the Warden and Scholars, Clerks of Saint Mary College of Winchester near Winchester, to carry into effect a Contract entered into by them for the Sale of certain Parts of the Estates belonging to the said College in the Isle of Wight, and to invest the Purchase Money in other Estates for the Benefit of the said College.
  21. An Act for vesting certain Lands and other Hereditaments devised by the Will of Sir Thomas Coxhead deceased in Trustees, upon trust to sell the same, and to grant Leases thereof for building and other Purposes.
  22. An Act to enable the Trustees of the Will of the late William Henry Robinson Esquire to raise Money by way of Mortgage of his Real Estates, for the Purposes therein mentioned.
  23. An Act to enable Sir Robert Keith Dick of Prestonfield Baronet, Heir of Entail in possession of the Entailed Estates of Prestonfield and Corstorphine in the County of Edinburgh, to feu and sell certain Parts of the said Estates, and to bear the Surname of Cunyngham and Arms of "Cunyngham of Lamburghtoun" alongst with the Surname and Arms of Dick of Prestonfield.
  24. An Act to enable the Assignees of the Estate of Thomas Blayds Molyneux, a Bankrupt, to sell his Real Estates, discharged from a Jointure, and certain Portions and Legacies charged thereon.
  25. An Act to revive and extend the Powers of Sale and Exchange, and the Powers to make Conveyances in Fee and Demises for Building Purposes, respectively contained in the Will of John Rigby Fletcher Esquire, deceased, and to enable the Trustees to grant Leases of Coal and other Mines under the Lands devised by his said Will; and to authorize the Appointment of new Trustees of the Settlement thereby made of the Testator's Real Estate; and for other Purposes.
  26. An Act for authorizing the Sale of certain Portions of the Real Estates devised by the Will and Codicils of John Bowes late Earl of Strathmore, and for authorizing the Purchase of other Real Estates, including Lands held for long Terms of Years, to be settled to the Uses of the said Will and Codicils, and for extending the Power of granting Mining Leases given by the said Will; and for other Purposes.
  27. An Act to vest the Estates and Property constituting the Trust Estate of The Blue-Coat Charity School in Birmingham in the County of Warwick in new Trustees upon consolidated Trusts, and to provide for the Management of the said Estates and Property, and for the good Government of the said School; and for other Purposes.
  28. An Act to carry into effect a Partition between John Michael Severne Esquire and Anna Maria his Wife, and others, of Estates in the Counties of Worcester, Salop, Warwick, Oxford, and Leicester.
  29. An Act to enable the Trustees of the Will of the Most Noble Francis late Duke of Bridgewater to carry into execution certain Articles of Agreement made and entered into by them with the Right Honourable Francis Egerton commonly called Lord Francis Egerton, and to raise Money for the Purposes expressed in the said Articles of Agreement; and for other Purposes.
  30. An Act for authorizing and enabling Sales to be made of Estates respectively situate in the Parishes of Evercreech, East Pennard, and in Bruton, and in other Parishes or Places in the County of Somerset, devised by the Will of Thomas Sampson Esquire, deceased; and for other Purposes.
  31. An Act to authorize the Sale of Settled Estates of the Most Honourable the Marquis of Donegall in Ireland, in order to pay off mortgage and other Incumbrances.
  32. An Act for carrying into effect a Contract between the Governors and Trustees of Sir William Paston's Free School at North Walsham in the County of Norfolk and Robert Rising Esquire, for the Sale to the said Robert Rising of an Estate belonging to the said Governors and Trustees, and for applying Part of the Purchase Money in discharge of certain Debts due from them, and investing the Surplus in the Purchase of other Estates, to be settled to the same Trusts.
  33. An Act for enlarging the Powers contained in the Will of the Most Honourable Robert Marquess of Westminster deceased to grant Building Leases of the Estates devised by the said Will, in the Parishes of Saint George Hanover Square and Saint John the Evangelist within the Liberty of Westminster in the County of Middlesex; and for other Purposes.

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## PRIVATE ACTS,

NOT PRINTED.

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34. An Act to dissolve the Marriage of Thomas Britten with Jane Britten his now Wife, and to enable him to marry again; and for other Purposes.
  35. An Act to dissolve the Marriage of Richard Heavyside Esquire with Mary his now Wife, and to enable him to marry again; and for other Purposes.
  36. An Act to dissolve the Marriage of Thomas Henry Shuldham Esquire with Frances Anne Hamilton Shuldham his now Wife; and for other Purposes.
  37. An Act to dissolve the Marriage of Charles Lestock Boileau Esquire with Margaret Boileau his now Wife, and to enable him to marry again; and for other Purposes.
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Shewing whether they relate to the Whole or to any Part of the United Kingdom, viz.

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W. . . . .	Wales only.
S. . . . .	Scotland.
I. . . . .	Ireland.
E. & I. . . . .	England and Ireland.
G.B. . . . .	Great Britain.
G.B. & I. . . . .	Great Britain and Ireland.
U.K. . . . .	The Whole of the United Kingdom.

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Cap. Relating to.		Cap. Relating to.	
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**ADVERTISED IN THE LONDON GAZETTE**

**DURING THE YEAR 1845.**

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# BANKRUPTS, CERTIFICATES, AND DIVIDENDS,

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IN THE YEAR 1845.

**Gazette, Friday, January 3, 1845.**

## BANKRUPTS.

### TOWN AND COUNTRY FIATS.

ANHAM George Edward, of the town and county of the town of Southampton, builder, *d. c.*—Official assignee, Whitmore.—Sols. Jones & Co. John-street, Bedford-row. Fiat, Dec. 28. Bankrupt's own petition.

EWBOLD John, of the town and county of the town of Nottingham, tailor, draper and hatter.—Official assignee, Bittleston.—Sols. Bowley, Nottingham, and Harrison & Smith, Birmingham. Fiat, Dec. 30. Pet. Cr. John Ireland, of Nottingham, maltster and victualler.

ADBURY Andrew, the younger, of Epsom, in the county of Surrey, grocer.—Official assignee, Graham.—Sol. Cattlin, Ely-place. Fiat, Dec. 23. Pet. Cr. Robert Pledge, of Croydon, grocer.

ALLMER Benjamin Wymont, of Daventry, in the county of Northampton, wine and brandy merchant, innkeeper, coach-proprietor, & c.—Official assignee, Follett.—Sols. Wimburn & Co. Chancery-lane, and Gery, Daventry. Fiat, Dec. 31. Pet. Cr. Joseph Bull, of Castlethorp, Bucks, farmer.

ARD James, of Manchester, in the county of Lancaster, engineer and iron-founder.—Official assignee, Pott.—Sols. Wathen, St. Swin-lane, and Johnson, Manchester. Fiat, Dec. 28. Bankrupt's own petition.

BIGHTMAN John, of the Grand Junction Wharf, Cotton End, Northampton, in the county of Northampton, wharfinger and sawyer.—Official assignee, Pennell.—Sols. Weller, King's-road, and Pell, jun. Northampton. Fiat, Dec. 30. Bankrupt's own petition.

ODHEAD John, of Todmorden, in the county of York, clogger and shoe dealer, *d. c.*—Official assignee, Young.—Sols. Wigglesworth & Co. Gray's Inn, and Barwick, Leeds. Fiat, Dec. 3. Pet. Cr. Edmund Stead and Edward Simpson, of Leeds, carriers and other-sellers.

### CERTIFICATES to be allowed January 21.

new Thomas Bentley, of Ashton-under-Lyne, tea-dealer.  
n John, of Sheffield, scythe-manufacturer.  
n Benjamin Wolfe, of Liverpool, merchant.  
n Leny Deighton, Henry Smith, and George Frederick Smith, Dulverton and Gutter-lane, crape-manufacturers.  
ning George, of Dover-street, upholsterer.

## DIVIDENDS.

\* Fiat.

COCK William, of Bungay, Suffolk, grocer, miller and corn-chandler; final div.

CRICH James, of Sheffield, Yorkshire, maltster; first div.

FISHER Thomas, of Selby, Yorkshire, linen-draper; second div.

GRANTHAM George, of Manchester, Lancashire, grocer; first div.

JACKSON John, late of Patrington, in Holderness, Yorkshire, but now of Kingston-upon-Hull, innkeeper; div.

\* *d. c.* dealer and chapman.

I.—BANKR. 1845.

Date of Fiat.

1844, JACKSON William, of Liverpool, Lancashire, baker and flour and provision-dealer; div.

1844, ROBINSON Thomas, of Leicester, wine-merchant; div.

1839, SHEPPARD George, of Thornton-le-Clay, Yorkshire, corn-dealer; div.

**Gazette, Tuesday, January 7.**

## BANKRUPTS.

### BANKRUPTCY SUPERSEDED.

TAPSCOTT John, of Winehead, Somersetshire, baker.

### TOWN AND COUNTRY FIATS.

BARFF John, of Liverpool, in the county of Lancaster, merchant, broker, *d. c.*—Official assignee, Morgan.—Sols. Sharpe & Co. Bedford-row, and Moss, Liverpool. Fiat, Dec. 30. Pet. Cr. Sarah Leigh, of Liverpool, spinster.

BOOTH James, of Brownhill, in Cartworth, in the parish of Kirkburton, in the county of York, woollen-cloth manufacturer.—Official assignee, Fearn.—Sols. Sudlow & Co. Chancery-lane, Floyd & Booth, Huddersfield, and Battye & Clay, Huddersfield. Fiat, Jan. 2. Pet. Crs. John Balderson and William Coussons, of Huddersfield, woolstaplers.

CHANDLER Thomas, of Bow-lane, in the city of London, builder.—Official assignee, Green.—Sols. Farrar & Lake, Godliman-street. Fiat, Jan. 3. Pet. Cr. Charles Coward, of Little Knight Rider-street, lead and oil merchant.

LUTWYCHE William, of Birmingham, in the county of Warwick, brass-founder, *d. c.*—Official assignee, Valpy.—Sols. Harrison & Smith, Birmingham. Fiat, Dec. 26. Pet. Cr. Charles Wallbank, of Birmingham, metal dealer.

MANDENO John, of Grove-street, Hackney, in the county of Middlesex, market-gardener, *d. c.*—Official assignee, Groom.—Sol. Jenkinson, Cannon-street. Fiat, Jan. 3. Bankrupt's own petition.

REVELY Thomas, the younger, of the borough and county of Newcastle-upon-Tyne, plumber and brass-founder.—Official assignee, Baker.—Sols. Harle, Newcastle, and Chisholme & Co. Lincoln's Inn-fields. Fiat, Dec. 27. Pet. Cr. John Tindall, of Gateshead, agent.

YOULE William, of No. 19, Addle-street, Wood-street, in the city of London, commission-agent, trading in partnership with Alexander MacDonald and Horatio Joseph Canning, of the same place, under the style or firm of William Youle & Company.—Official assignee, Alsager.—Sol. Langley, Bedford-row. Fiat, Jan. 3. Bankrupt's own petition.

### CERTIFICATES to be allowed January 7.

Ball Gideon, of Bath, carpenter.

Grundy John, of Tottington, woollen-manufacturer.

Peoples James, of Liverpool, woollen-draper, (partner with Edward Devlin)

Watson Ross, and Robert Morris, of Liverpool, brokers.

**DIVIDENDS.**

Date of Fiat.

- 1844, ASHWELL Edward, late of North Walsham, Norfolk, butcher, and now of Yeldon, Bedfordshire, *d. c.*; div.
- 1829, COCHRAN William, of Lima, in Peru, in South America, and John Parish Robertson, of London, merchants and factors, lately carrying on business at Lima, under the firm of Cochran & Robertson; fur. div.
- 1843, DEWE John, and Richard Dewe, of No. 16, Broad-street, Oxford, booksellers and stationers; final joint and final sep. divs.
- 1844, LETT Arthur, of Lett's Wharf, Commercial-road, Lambeth, Surrey, timber-merchant; final div.
- 1843, OLIVER John, and John York, of Stony Stratford, Buckinghamshire, bankers, and which said John York is now residing at Brighton; final div.
- 1843, OLIVER John, and John York, of Stony Stratford, Buckinghamshire, and which said John York is now residing at Brighton, Sussex, and Richard Harrison, of Wolverton, Buckinghamshire, carrying on the trade or business of coal and iron masters at Tipton, Staffordshire, under the style or firm of the Horseley Coal and Iron Company; div.
- 1841, POTTER George, Samuel Potter, and John Krauss, of Manchester, Lancashire, and of Birkacre, near Chorley, Lancashire, calico-printers, and trading at Manchester and Birkacre, under the firm of George and Samuel Potter; first div.
- 1834, ROBERTSON William Parish, of Buenos Ayres, in the United Provinces of Rio de la Plata, merchant and factor, lately carrying on business with John Parish Robertson, at Buenos Ayres, under the firm of John Parish Robertson & Company, and in London under the firm of Robertsons & Company; divs.
- 1844, ROBERTS Thomas, of Blackman-street, Southwark, Surrey; div.
- 1844, THORN Thomas Gauge, of Southampton, builder and wine and porter merchant; div.
- 1842, WACEY Jonathan, of No. 6, Beech-street, Barbican, bookseller; final div.

**Gazette, Friday, January 10.****BANKRUPTS.****TOWN AND COUNTRY FIATS.**

- BROWN Joseph, of Regent-street, St. John's, Westminster, in the county of Middlesex, grocer and cheese-monger.—Official assignee, Whitmore.—Sol. Baylis, Basinghall-street, Fiat, Jan. 7. Pet. Crs. Thomas Stephen Curtees, of York-street, Westminster, cheese-monger, and Edward Warrington, of Regent-street, grocer.
- FLINTOFF George, of Plymouth, in the county of Devon, bookseller and stationer, *d. c.*—Official assignee, Bell.—Sol. Surr, Lombard-street. Fiat, Jan. 1. Pet. Crs. John Townsend, Thomas Haynes Parker, and Joseph Townsend, of Goswell-street, paper-stainers.
- VALLANCE William, of King-street, Liverpool, in the county of Lancaster, merchant.—Official assignee, Bird.—Sols. Gilbank, Coleman-street, and Lowndes & Co. Liverpool. Fiat, Dec. 28. Pet. Cr. John Alexander Allan, of Coleman-street, merchant.

**CERTIFICATES to be allowed January 31.**

- Appleton John, of Sunderland, ship-owner.
- Howard Frank, of Tonbridge-place, New-road, publisher.
- Noel George, and William Noel, of Jernyn-street, boot-makers.
- Walker William, of Birmingham, hatter.

**DIVIDENDS.**

Date of Fiat.

- 1843, ABBOTT Robert Tebbitt, and Alfred Thwaytes Tebbitt, of Birmingham, Warwickshire, wholesale tea-dealers and coffee-roasters, carrying on trade in Birmingham, under the style or firm of Abbott, Tebbitt & Company; final sep. div. of Alfred Thwaytes Tebbitt.
- 1841, ARTHUR John, and David Arthur, both of Neath, Glamorganshire, iron-masters and coal-merchants; div.

Date of Fiat.

- 1843, COPPER William, otherwise William Simpson, otherwise James Thomas, of Reading, Berkshire, grocer; final div.
- 1835, COX Stephen, of Hendon, Middlesex, and of Brunswick-street, Stamford-street, Surrey, horse-dealer; div.
- 1844, ELDRIDGE Thomas, of Upper North-place, Gray's Inn-road, Middlesex, and also late of No. 3, Great Queen-street, Lincoln's Inn-fields, coach-builder; div.
- 1829, FIRTH Jeremiah, of Heckmondwike, Yorkshire, merchant; div.
- 1826, GARNETT John, of Liverpool, Lancashire, merchant; fur. div.
- 1841, HARRISON Stephen Winn, now or late of Bristol, balder and mason; div.
- 1844, JOHNSON Thomas, the elder, William Johnson, and Charles Mann, of Romford, Essex, bankers; joint div.
- 1844, JONES Benjamin, of Birmingham, Warwickshire, victualler; div.
- 1841, PARKER Francis, of Masbrough and Icicles Mills, both in the parish of Rotherham, Yorkshire, seed-crusher and oil-merchant; final div.
- 1844, PETRIE John Carr, of Bedlington, Durham, miller and grocer; final div.
- 1844, ROBINSON Richard, of No. 457, Strand, Middlesex, coal-merchant, lately with Nathaniel Coombes, and carrying on business under the firm of Coombes & Robinson; div.
- 1842, SORBY John, of Sheffield, Yorkshire, steel-manufacturer; div.
- 1844, WISE Ayshford, of Ford House, in Wolborough, Devonshire, Nicholas Baker, of Newton Russell, in Highweek, Devonshire, and William Searle Bental, of Totnes, Devonshire, bankers, carrying on the business of bankers at Newton Abbot, Devonshire, under the firm of Wise, Farwell, Baker and Bental; joint div.

**Gazette, Tuesday, January 14.****BANKRUPTS.****BANKRUPTCY SUPERSEDED.**

HARVEY Joseph, of St. Mary Axe, builder.

**TOWN AND COUNTRY FIATS.**

- BLAKE John, of Ballast Hill, in the borough of Sunderland, in the county of Durham, hardwareman and edge tool manufacturer, *d. c.*, as a trader indebted jointly with one James Easton, with whom he said John Blake formerly carried on partnership at Sunderland aforesaid, as hardwareman, *d. c.*, under the firm of John Blake & Co.—Official assignee, Wakley.—Sols. Price & Co. Wolverhampton, Moore, Bishopwearmouth, and Bower & Son, Chancery-lane. Fiat, Jan. 3. Pet. Crs. John Shaw and Henry Crane, of Wolverhampton, factors.
- BRATTON Richard, the elder, of Shrewsbury, Salop, cabinet-maker and furniture broker, *d. c.*—Official assignee, Christie.—Sol. Motteram & Co. Birmingham, and Parkes & Co. Bedford-row. Fiat, Jan. 3. Bankrupt's own petition.
- BRIDESON Arthur, of Clare-street, Clare-market, in the county of Middlesex, cheese-monger.—Official assignee, Graham.—Sols. Perring & Co. Lawrence Pountney-place. Fiat, Dec. 23. Pet. Crs. Thomas and William Fannin, of Liverpool, merchants.
- CRONACH Michael, and Marx Hirschmann, of Sise-lane, in the county of London, merchants, traders, *d. c.* and copartners in trade.—Official assignee, Johnson.—Sol. Linklater, Leadenhall-street. Fiat, Jan. 2. Pet. Crs. John Parmett Bull, of St. Martin's-lane, and George Smith and William Turquand, assignees of Vane and Byers.
- CURWEN John, of Bridge-place, Vauxhall, in the county of Surrey, cheese-monger, *d. c.*—Official assignee, Alsager.—Sols. Deane & Dixon, St. Swithin's-lane. Fiat, Jan. 11. Bankrupt's own petition.
- GREENHOW Conrad Haverkam, of North Shields, in the county of Northumberland, ship and insurance broker, *d. c.*—Official assignee, Wakley.—Sols. Messrs. Dale, North Shields, and Dow & Co. St. Swithin's-lane. Fiat, Dec. 31. Pet. Cr. Shallett Hewar, of North Shields, ship-joiner.

**JOPLIN** Thomas, of the borough of Sunderland, in the county of Durham, linen and woollen draper, *d. c.*—Official assignee, Baker.—Sols. Hartley, Southampton-street, and Brignal, Durham. Fiat, Jan. 8. Pet. Crs. Richard Nichols, of Manchester, and Moses Mawson, his partner, merchants.

**LEWIS** Charles, of the city of Bath, in the county of Somerset, innkeeper and licensed victualler.—Official assignee, Miller.—Sols. Messrs. Cruttwell, Bath. Fiat, Jan. 7. Pet. Cr. John Warren, of Warminster, maltster.

**MOYES** William, and Thomas Moring, of No. 31, Camomile-street, in the city of London, carmen, *d. c.*—Official assignee, Green.—Sols. Hilleary & Co. Fenchurch-street. Fiat, Jan. 5. Pet. Cr. John Hinkley, of Seething-lane, corn-dealer.

**STEADMAN** John, of No. 20, Hayfield-place, Mile-end-road, in the county of Middlesex, engineer and smith.—Official assignee, Edwards.—Sols. Stone & Co. Moorgate-street Chambers. Fiat, Jan. 4. Pet. Cr. William Kennard, of Upper Thames-street, iron-merchant.

**TYDEMAN** William, of Chelmsford, in the county of Essex, timber-merchant and coal-merchant, *d. c.*—Official assignee, Belcher.—Sols. Hooker, Bartlett's-buildings, Holborn. Fiat, Jan. 10. Pet. Crs. Christopher Trowell Gabriel, Thomas Gabriel, and Thomas Gabriel, jun., of Commercial-road, Lambeth, timber-merchants.

**VAUDEAU** Louis Jean Baptiste, and Louis Onetime Benjamin Vaudeau, of No. 104, Wood-street, Cheapside, in the city of London, dealers in artificial flowers, *d. c.*—Official assignee, Whitmore.—Sols. Messrs. Hodgson & Burton, Salisbury-street, Strand. Fiat, Jan. 13. Bankrupt's own petition.

**WARMAN** Charles Frederick, of No. 9, Houndsditch, in the city of London, china and glass dealer.—Official assignee, Pennell.—Sol. Heath, Gracechurch-street. Fiat, Jan. 11. Bankrupt's own petition.

**YALLOP** James Pell, of Durham-street, Hackney-road, and of Pritchard's-place, Hackney, in the county of Middlesex, carpenter and builder.—Official assignee, Follett.—Sols. Norton & Son, New-street, Bishopsgate. Fiat, Jan. 11. Bankrupt's own petition.

#### CERTIFICATES to be allowed February 4.

Cook Thurstan, of Kirby-street, and Acton-street, silver-cutler.  
Davies John, and Richard Davies, of Chiswell-street, drapers.  
Nicholl Joseph, of Halifax, worsted-spinner.  
Peters Edward, of Godstone, brewer.  
Smith Robert, of Manchester, yarn-agent, (partner with John Richmond).  
Thompson Alfred, of Southampton and Chichester, grocer.

#### DIVIDENDS.

Date of Fiat.

1842, **BANNISTER** James, and Dinah Simpson, of Liverpool, Lancashire, shipwrights, trading under the firm of Bannister & Simpson; div.

1844, **BATES** William Henry, of Birmingham, Warwickshire, factor; div.

1825, **CHARTERS** William, and Peter Charters, now or late of Merthyr Tydvil, Glamorganshire, tea-dealers; div.

1844, **CLOUGH** William Copperthwaite, of Eye, Suffolk, apothecary; div.

1814, **COLES** Jesse, late of New Bond-street, Middlesex, jeweller; div.

1844, **CORK** John Frederick, and James Lancelot De Carle, of No. 142, New Bond-street, Middlesex, coach-builders, and the latter also of No. 3, Heathfield-terrace, Turnham-green, said county; div.

1843, **DENZILOE** Henry, of Bridport, Dorsetshire, grocer, and wine and spirit merchant; fur. div.

1844, **DORE** William Luke, of the King's Head Inn, Egham, Surrey, innkeeper; div.

1844, **HOLDROYD** John, of North Moor, near Seaton Delaval, Northumberland, farmer, brick and tile maker; div.

1843, **JARDINE** John, of Richebucto, in New Brunawick, now of Liverpool, Lancashire, merchant, ship-builder, and ship-owner; second div.

Date of Fiat.

1844, **MARTIN** Morris, of Park-street, in St. Augustine, Bristol, upholsterer and cabinet-maker; div.

1844, **MEARNS** William Archibald, of Acre-lane, Clapham, Surrey, ale and porter brewer; div.

1841, **NEWALL** William, the younger, and Abraham Harrison, of Manchester, Lancashire, grocers; final div.

1844, **PALMER** Robert Ball, of Bath, Somersetshire, watch-maker; div.

1842, **RUSSELL** Robert, of Bradford, Yorkshire, provision-merchant; div.

1835, **SHEPHERD** Aquila, and James Shepherd, both of Huddersfield, Yorkshire, merchants; div.

1844, **TRISTRAM** Job, of Two Mill Houses, in Basford, Nottinghamshire, beer-house keeper; div.

1844, **WEBB** John Gregory, of Rosamond-buildings, Islington, Middlesex, mineral water manufacturer; div.

1834, **WEBB** Richard John, of No. 36, Millsom-street, Bath, Somersetshire, wine and spirit merchant; div.

1844, **WILLIAMS** Rees, of St. Mary-le-port-street, Bristol, dealer in butter, cheese and bacon; div.

1843, **WOLLAND** John, and William Wolland, of Exeter, and also of Powderham, Devonshire, turners and timber-merchants; fur. div.

Gazette, Friday, January 17.

#### BANKRUPTS.

BANKRUPTCY SUPERSEDED.

**HAMMOND** Samuel, jun., of Upminster, Essex, market-gardener.

TOWN AND COUNTRY FIATS.

**ALDRED** William, of No. 3, George-street, New Kent-road, in the county of Surrey, builder.—Official assignee, Turquand.—Sol. Beart, Bouverie-street. Fiat, Jan. 11. Bankrupt's own petition.

**ARMANI** Antonio Nicholas, of No. 3, Scott's-yard, Bush-lane, in the city of London, merchant (trading under the name, style and firm of A. N. Armani & Company), *d. c.*—Official assignee, Johnson.—Sol. Crofts, Scott's-yard. Fiat, Jan. 14. Pet. Cr. James Rawlings, of Gray's-terrace, Great Dover-road, gent.

**BROWNING** Thomas, of the New Inn, Old Bailey, in the city of London, innkeeper, victualler, *d. c.*—Official assignee, Bell.—Sol. Lambe, Bucklersbury. Fiat, Jan. 14. Bankrupt's own petition.

**DICKINSON** George, of No. 5, South Portman-mews, Portman-square, in the county of Middlesex, farrier and blacksmith, *d. c.*—Official assignee, Groom.—Sols. Buchanan & Grainger, Basinghall-street. Fiat, Jan. 15. Bankrupt's own petition.

**DONALD** Andrew, of St. Peter's-street, Saint Alban's, in the county of Hertford, lodging-house keeper, bookseller, dealer in stationery, *d. c.*—Official assignee, Bell.—Sols. Buchanan & Grainger, Basinghall-street. Fiat, Jan. 11. Bankrupt's own petition.

**ROBERTSON** William, late of the Eagle coffee-house, Eagle-terrace, City-road, in the county of Middlesex, coffee-shop keeper, dealer in tobacco, *d. c.*—Official assignee, Follett.—Sols. Buchanan & Grainger, Basinghall-street. Fiat, Jan. 14. Bankrupt's own petition.

**STUTCHBURY** Henry Rome, of No. 47, Theobald's-road, Bedford-row, in the county of Middlesex, bookseller and dealer in curiosities.—Official assignee, Groom.—Sol. Webber, Caroline-street, Bedford-square. Fiat, Jan. 13. Bankrupt's own petition.

**TODMAN** Joseph George, of No. 91, Gray's Inn-lane, in the county of Middlesex, licensed victualler.—Official assignee, Edwards.—Sol. Dimes, Bread-street. Fiat, Dec. 2. Pet. Cr. Thomas Dimes, of Bread-street, gent.

**WITHERS** Thomas Richard, of Rumbridge, in the parish of Ealing, in the county of Southampton, brewer, *d. c.*—Official assignee, Edwards.—Sols. Sowton, Great James-street, and Coxwell & Harefield, Southampton. Fiat, Jan. 13. Bankrupt's own petition.

**CERTIFICATES to be allowed February 7.**

Chapman Sarah, of Liverpool, sail-maker.  
 Currie Robert, of Newcastle, bookseller.  
 Dunn Richard, of Wakefield, corn-factor, (late partner with Richard Dacre Dunn).  
 Goldsworthy Thomas, of Maida-vale, merchant.  
 Osborne Benjamin, of Sheffield, table-knife manufacturer.  
 Pearce Thomas, of Bermoudsey-street, tripeman.  
 Robinson Peter, of Warrington, bottle-manufacturer.

**DIVIDENDS.****Date of Fiat.**

- 1841, ADAMS Edmund, of Blenheim-street, New Bond-street, Middlesex, livery-stable keeper; final div.  
 1843, BILLINGSLEY Samuel, the younger, of Harwich, Essex, merchant, ship-owner and ship-agent; div.  
 1843, CALDECOTT Robert, and John Caldecott, of Manchester, Lancashire, silk-mercers and drapers; final joint div., and first and final sep. div. of each.  
 1841, DALY Charles, of Red Lion-square, Middlesex, bookseller and publisher; final div.  
 1843, MASTERMAN Charles Stanley, of Croydon, Surrey, grocer; div.  
 1837, MATHER William, Colin Mather, and John Tenney Newstead, of Manchester and Salford, both in Lancashire, iron-founders, engineers and machine-makers; final joint div.  
 1840, MILNER John Turner and Colley Bedford, of Kingston-upon-Hull, confectioners, carrying on business under the firm of John Turner, Milner & Co., the said Colley Bedford also carrying on business at the said town on his separate account as a tailor and draper; final joint div., final sep. div. of Milner, and fur. sep. div. of Bedford.  
 1842, NEWMAN Charles, of Srips, in Little Coggleshall, and of Great Coggleshall, Essex, and of Llanon, Carmarthenshire, miller, iron-founder and coal-merchant; final div.  
 1840, PRICE Sidney, of Blackburn, Lancashire, machine-maker, carrying on business at Blackburn aforesaid, as surviving partner of Abel Davison, deceased, under the firm of Davison & Price; fur. div.  
 1843, RICHARDS James, of No. 265, Oxford-street, St. George's, Hanover-square, Middlesex, livery-stable keeper; div.

**Gazette, Tuesday, January 21.****BANKRUPTS.****BANKRUPTCIES SUPENSEDED.**

BURT William, of Harrow-road, boarding house keeper.  
 WILLIAMS Thomas, sen., of Cardiff, iron-founder.

**TOWN AND COUNTRY FIATS.**

- BULLOUGH John, of Huddersfield, in the county of York, cabinet-maker.—Official assignee, Hope.—Sols. Lewis & Co. Ely-place, and Fenton & Jones, Huddersfield. Fiat, Dec. 21. Pet. Cr. Richard Loader, of Finsbury-pavement, upholsterer.  
 CHAPMAN Edward John, of Bradford, in the county of York, and also of Birkenhead, in the county of Chester, civil engineer and contractor, carrying on business in copartnership with Charles Smith, as civil engineers and contractors, at the above-mentioned places, under the style or firm of Smith & Chapman.—Official assignee, Hope.—Sol. Tebbs, Essex-street, Strand. Fiat, Jan. 15. Bankrupt's own petition.  
 FISHER Thomas, of Selby, in the county of York, linen-draper, d.c.—Official assignee, Freeman.—Sols. Rushworth & Co. Staple Inn, and Sanderson, Leeds. Fiat, Jan. 16. Bankrupt's own petition.  
 JACKSON George, the younger, of Hertford, in the county of Hertford, upholsterer.—Official assignee, Alsager.—Sols. Stevens & Co. Queen-street. Fiat, Jan. 13. Pet. Cr. John M'Rae, John Steward, James Hay, Henry Morris Kempstead, Thomas Robinson Williams, Francis Norvillar, George Knox, Stephen Phillips, Robert Gardner, Robert Innes Grant, George L. Grant Allan, Michael Rimmington, Robert Roy, Francis Atkinson, Catherine Purvis, Ann Ross, Richard Roy, and Stephen Read Cattley, of Love-lane, woollen-cloth manufacturers, trading under the firm of the Patent Woollen Cloth Company.

KEMPE Nicholas John, of Liverpool, in the county of Lancaster, ship-owner, d.c., as a trader indebted together with John Melling, the younger, now or late of Liverpool, engineer.—Official assignee, Turner.—Sols. Vincent & Co. Temple, and Minshull, Liverpool. Fiat, Jan. 15. Pet. Cr. Samuel Minshull, of Liverpool, executor of Jonathan Smith, late of Liverpool, merchant, deceased.

KIMBER Henry, and William Kimber, of Old Trinity House, Wain-lane, in the city of London, wine and cider merchants, trading together under the name or firm of Henry Kimber & Co.—Official assignee, Green.—Sols. Justin & Barlow, New Bridge-street. Fiat, Jan. 15. Pet. Cr. Fletcher Iveson, of Crutched-friars, wine-merchant.

LUPTON George Henry, of Leeds, in the county of York, spinners, d.c.—Official assignee, Young.—Sols. Cox, Six-lane, and Lee, Leeds. Fiat, Jan. 14. Pet. Cr. Thomas Flight, of Bank-court House, Walbrook, esq.

SCHOTT John George, of Manchester, in the county of Lancaster, and John Caspar Lavater, of Aldermanbury Postern, in the city of London, merchants and copartners in trade, carrying on business in Cupid's-alley, in Deansgate, in Manchester aforesaid, and also at Aldermanbury Postern, in the city of London, under the firm of Schott & Lavater.—Official assignee, Stanway.—Sols. Atkinson & Co. Manchester, and Makinson & Co. Temple. Fiat, Jan. 11. Pet. Crs. Joseph, Benjamin, and Edmund Platt, of Spaw Mill, near Hebden Bridge, Yorkshire, cotton-spinners and manufacturers.

SCHOTTLAENDER William Edward, of No. 1, Poplar-row, New Kent-road, in the county of Surrey, carrying on business as a merchant and commission agent, at No. 8, George-lane, Botolph-lane, Eastcheap, in the city of London.—Official assignee, Belcher.—Sol. Beart, Bouverie-street. Fiat, Jan. 20. Bankrupt's own petition.

STURLA Henry Charles, of No. 52, Seymour-street, Euston-square, in the county of Middlesex, glass and china dealer, d.c.—Official assignee, Alsager.—Sol. Strut, Buckingham-street. Fiat, Jan. 11. Bankrupt's own petition.

WALLER Thomas Buttermere, and John Waller, both of Ipswich in the county of Suffolk, grocers.—Official assignee, Thornd—Sols. Russell & Mackenzie, High-street, Southwark. Fiat, Jan. 14. Pet. Cr. Craston Humble, of No. 82, High-street, Southwark, book-merchant.

WARD John, of Ely, in the county of Cambridge, dealer in glass and earthenware, d.c.—Official assignee, Graham.—Sols. Crabbe & Co. Old Jewry. Fiat, Jan. 6. Pet. Crs. Richard Shatbridge, George Edward Sawyer, and Charles Henry Cook, of South Shields, glass manufacturers.

**CERTIFICATES to be allowed February 11.**

Bres John James, of Chester, tailor and draper.  
 Robinson Richard, of the Strand, coal-merchant.  
 Scott Thomas, of Colchester, baker.  
 Taberner Thomas, of Birmingham, corn-factor.  
 Whitehead James, of Ainsworth, brewer.  
 Yould Robert, of Liverpool, cheese-factor.

**DIVIDENDS.****Date of Fiat.**

- 1819, BULMER Timothy, and Richard Bulmer, of South Shields, Durham, rope-manufacturers; final sep. div. of T. Bulmer.  
 1844, ECCLES Samuel, and Charles Ridings, both of Manchester, Lancashire, cotton, worsted, and linen manufacturers, trading under the style or firm of Eccles, Ridings & Co.; first joint and sep. divs.  
 1844, MARTIN Thomas George, late of Great Winchester-street, London, and now of Cold Harbour-lane, Camberwell, Surrey, wine-merchant; div.  
 1844, PERKINS Briseis, and Sarah Woolley, of Stamford, Lincolnshire, drapers and milliners; div.  
 1841, REEVES Thomas, and William Reeves, of Whiston, in Cheshire, Worcestershire, coach-builders; sep. div. of Thomas Reeves.  
 1844, ROCHESTER Robert, of Hartlepool, Durham, butcher; div.  
 1843, SMITH Robert, of the High-street, Worcester, attorney, notary and money-scrivener, and now a prisoner in Her Majesty's gaol of Newgate, London; final div.  
 1844, SHOTTER Francis, of Portsea, Hants, grocer and tea-dealer; div.  
 1843, THOMPSON Robert, of Strood, Kent, draper; div.

Gazette, Friday, January 24.

**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

**DETTMER** William, of No. 50, Upper Marylebone-street, in the county of Middlesex, piano-forte manufacturer, *d. c.*—Official assignee, Pennell.—Sols. Hodson & Gibbs, King's-road. Fiat, Jan. 17. Pet. Cr. John Walpole, of Brookes-street, Islington, gent.

**EVANS** Joseph, of Bourton on the Hill, in the county of Gloucester, innkeeper.—Official assignee, Hutton.—Sol. Tilsey, Moreton in Marsh. Fiat, Jan. 20. Pet. Cr. Barnes Austin, of Banbury, brewer.

**HAWKINS** George, of Colchester, in the county of Essex, clothier, *d. c.*—Official assignee, Groom.—Sols. Messrs. Linklater, Leadenhall-street. Fiat, Jan. 18. Bankrupt's own petition.

**ISAACS** Henry, of Yarmouth, in the county of Norfolk, woollen-draper, clothes-dealer and fruiterer.—Official assignee, Graham.—Sols. Sale & Worthington, Manchester, and Reed & Shaw, Friday-street. Fiat, Jan. 14. Pet. Cr. William Bryan, of Manchester, merchant.

**SMEETON** Samuel, of Sibbertoft, in the county of Northampton, and of No. 62, West Smithfield, in the city of London, cattle and sheep salesman.—Official assignee, Johnson.—Sol. Weller, King's-road. Fiat, Jan. 20. Bankrupt's own petition.

**WATLING** Lionel, of Gilbert-street, in the parish of St. George, Hanover-square, in the county of Middlesex, butcher, *d. c.*—Official assignee, Edwards.—Sols. Pain & Hatherley, Basinghall-street and Great Marlborough-street. Fiat, Jan. 18. Pet. Cr. John Perring, of the Strand, hat-manufacturer.

**CERTIFICATES to be allowed February 14.**

Bate George, of Forton, horse-dealer.  
Biggs Charles Ferris, of Birmingham, mercer.  
Caldicot Thomas, of Newport, grocer.  
Heron Edward, of Hartlepool, butcher and ship-owner.  
Heron Edward, of South Blyth, ship-owner and butcher.  
Jonas James, of Berners-street, apothecary.  
Makenzie Duncan John, of Chambers-street, Mineries, provision-merchant.  
Part George, of Upper Thames-street, ale-merchant.  
Redman Charles, of Herne Bay, builder.  
Sowell William, jun., of Chilworth, brick-maker.

**DIVIDENDS.**

- Date of Fiat.*
- 1844, **BROOM** William, and William Hardy, of Oxford-street, Middlesex, drapers; joint div.
- 1844, **BURGESS** John, of Cratfield, Suffolk, farmer and cattle-dealer; div.
- 1842, **DAVIES** Edward, of Great Crosby, near Liverpool, Lancashire, blacksmith; div.
- 1843, **HEATHORN** Joseph Lidwell, of No. 3, Abchurch-lane, London, ship-owner, as a trader indebted with Henry Heathorn, Samuel Magnus, John Tait, Abraham Hort, Henry Blundell, Joseph Blundell, Solomon Cohen, Israel Isaacs, Abraham Harris, Leopold Neumegen, George Dixon Longstaff, and George Alfred Muskett, since deceased; div.
- 1844, **MAUND** Jonathan Thomas, of Birmingham, Warwickshire, laceman, hosiery and bazaar keeper; div.
- 1842, **MORRISON** William, of Globe-street, Wapping, Middlesex, cooper, and yeast and spirit merchant; div.
- 1843, **OVERINGTON** John, of Arundel, Sussex, plumber and glazier; final div.
- 1844, **OWEN** Joseph, and Sarah Owen, of Sheffield, Yorkshire, merchants, carrying on trade with Samuel Owen, of Sydney, in New South Wales, under the firm of Samuel Owen & Sons; joint and sep. divs.
- 1844, **ROBY** John Walton, of No. 42, Upper John-street, Fitzroy-square, Middlesex, builder; div.
- 1843, **SEARY** Maurice of Swrdur, near Northop, Flintshire, maltster; div.
- 1844, **SHERWOOD** Thomas, of Tilehurst, near Reading, Berkshire, brick-maker, lime-burner and farmer; div.
- 1844, **TAPP** Charles, of Wigmore-street, St. Marylebone, Middlesex, coach-maker; final div.

2.—BANKR. 1845.

Gazette, Tuesday, January 28.

**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

**BURRAGE** Charles, of Newgate-market, in the city of London, carcass butcher and cattle dealer, *d. c.*—Official assignee, Pennell.—Sol. Phillips, Gray's Inn-square. Fiat, Jan. 24. Bankrupt's own petition.

**FAIRCLOUGH** William, of Liverpool, in the county of Lancaster, licensed victualler.—Official assignee, Casenove.—Sols. Wilkin, Furnival's Inn, and Wardle, Liverpool. Fiat, Jan. 23. Pet. Cr. William Fairclough, of Liverpool, victualler.

**HURRELL** Allen, formerly of Brixton, in the county of Surrey, but now of No. 22, Park-place, St. John's Wood, in the county of Middlesex, wine-merchant, commission-agent, *d. c.*—Official assignee, Whitmore.—Sol. Chilcote, George-street, Mansion-house. Fiat, Jan. 18. Pet. Cr. Thomas Reginald Kemp, of Abchurch-lane, banker and discount agent.

**KELSALL** John, of Hanley, in the county of Stafford, fishmonger *d. c.*—Official assignee, Bittleston.—Sols. Jackson, Gray's Inn, and Harrison & Smith, Birmingham. Fiat, Jan. 17. Bankrupt's own petition.

**MOORE** Charles, of No. 29, Saint John-street, Clerkenwell, in the county of Middlesex, carver and gilder.—Official assignee, Whitmore.—Sol. Champion, Ely-place. Fiat, Jan. 23. Bankrupt's own petition.

**SMITH** William, and Robert Smith, of Bow-lane, in the city of London, and of the city of Aberdeen, warehousemen and dealers in linen thread, *d. c.* and copartners.—Official assignee, Pennell.—Sols. Parkes & Co. Bedford-row. Fiat, Jan. 21. Pet. Crs. John Chubb and Charles Chubb, of St. Paul's-churchyard, patent lock manufacturers.

**WILKINSON** Charles Maxwell, of Ulverston, in the county of Lancashire, wine, spirit and beer merchant, *d. c.*—Official assignee, Fraser.—Sols. Mawe, New Bridge-street and Yarker, Ulverston. Fiat, Jan. 17. Pet. Cr. Isaac Penny, of Ulverston, draper.

**CERTIFICATES to be allowed February 18.**

Jones Benjamin, of Birmingham, victualler.  
Webb John Gregory, of Rosamond-buildings, mineral water manufacturer.

**DIVIDEND.***Date of Fiat.*

1844, **SMITH** George Charles, of Kensington-park, St. Mary Abbott's, Kensington, Middlesex, builder; div.

Gazette, Friday, January 31.

**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

**ARGENT** James, of No. 49, Golden-lane, Barbican, in the county of Middlesex, victualler.—Official assignee, Belcher.—Sol. Cooke, King-street, Cheapside. Fiat, Jan. 30. Bankrupt's own petition.

**BLINKHORN** William, of Little Bolton, in the county of Lancaster, manufacturing chemist, *d. c.*—Official assignee, Fraser.—Sols. Fox, Finsbury-circus, and Earle, Manchester and Ashton-under-Lyne. Fiat, Jan. 27. Pet. Cr. John Spencer, of Manchester, banker, on behalf of the Bank of Manchester.

**BRICE** Samuel, of No. 50, St. John-street, in the county of Middlesex, tailor and draper, *d. c.*—Official assignee, Graham.—Sol. Garry, Chancery-lane. Fiat, Jan. 30. Bankrupt's own petition.

**BURT** William, late of No. 53, Harrow-road, and now of No. 86, Lisson-grove, New-road, boarding and lodging house keeper.—Official assignee, Alsager.—Sols. Lawrance & Plews, Bucklersbury. Fiat, Jan. 22. Bankrupt's own petition.

**COLLINS** John, of Sheffield, in the county of York, grocer and corn dealer, *d. c.*—Official assignee, Freeman.—Sols. Duncan, Featherstone-buildings, Unwin, Sheffield, and Blackburn, Leeds. Fiat, Jan. 23. Pet. Cr. Richard Woodhead, of Rotherham, corn-factor.

**FIELDING** William, of Taunton, near Ashton-under-Lyne, in the county of Lancaster, hat-plush and silk manufacturer.—Official

- assignee, Stanway.—Sols. Gregory & Co. Bedford-row, and Cooper, Manchester. Fiat, Jan. 22. Pet. Crs. Edward Preston and William Bindloss, of Manchester, silk-merchants.
- FLOWERS** Edward Cooper, of Whitchurch, in the county of Buckingham, cattle-dealer, *d. c.*—Official assignee, Belcher.—Sol. Close, St. Mildred's-court. Fiat, Jan. 13. Pet. Cr. George Arnatt, of Stanton Harcourt, Oxfordshire, farmer.
- FRANCIS** Absalom, of Halkin, in the county of Flint, William Davey, of Coniston, in the county of Lancaster, and Matthew Francis, of Aberystwith, in the county of Cardigan, iron-founders, carrying on business at the Dee Bank Forge, at Bagillt, in the said county of Flint, under the style or firm of the Dee Bank Forge Company.—Official assignee, Morgan.—Sols. Cox & Williams, Lincoln's Inn-fields, and Oldfield, Holywell. Fiat, Jan. 2. Bankrupts' own petition.
- GREENWOOD** Richard, of Bradford, in the county of York, bookseller and stationer, *d. c.*—Official assignee, Young.—Sols. Nether-sole, New Inn, and Carriss, Leeds. Fiat, Jan. 25. Pet. Cr. Henry Patrick Finucane, of Bradford, surgeon.
- HARRIS** Richard, and John Hill, of No. 86, Newgate-street, in the city of London, tailors, trimming-sellers, haberdashers, *d. c.*—Official assignee, Green.—Sol. May, Queen-square. Fiat, Jan. 21. Pet. Cr. James Bowen May, of Queen-square, gent.
- HEPWORTH** John, and David Hepworth, of Raistrick, in the parish of Halifax, in the county of York, cotton-warrior dyers.—Official assignee, Fearn.—Sols. Lever, King's-road, Bedford-row, and England & Hellawell, Huddersfield. Fiat, Jan. 20. Pet. Crs. Edmund Jones and Jackson Ripley, of Huddersfield, drysalers.
- IRVING** John, of Blackburn, in the county of Lancaster, linen and woollen draper, tea-dealer, *d. c.*—Official assignee, Hobson.—Sols. Milne & Co. Temple, and Wilding & Co. Blackburn. Fiat, Jan. 20. Pet. Cr. George Johnston, of Blackburn, draper and tea-dealer.
- JONES** Robert, of Liverpool, in the county of Lancaster, boot and shoe maker.—Official assignee, Morgan.—Sols. Troughton, Liverpool, and Keddell & Co. Lime-street. Fiat, Jan. 11. Pet. Cr. Hugh Lewis, of Machynlleth, miller.
- LESTER** William Upton, lately carrying on the trade or business of a silk-manufacturer, in copartnership with John Lester, at Aldermanbury, in the city of London, and at Newcastle-under-Lyme, in the county of Stafford, under the firm of Thomas Lester & Sons, and now carrying on business of a dealer in potters' materials, at Newcastle-under-Lyme aforesaid.—Official assignee, Whitmore.—Sols. White & Co. Bedford-row, and Ward & Co. Newcastle-under-Lyme. Fiat, Jan. 15. Bankrupt's own petition.
- ROBINSON** Edwin Llewellyn, of Moulton, in the county of Lincoln, fellmonger.—Official assignee, Christie.—Sols. Bonner & Son, Spalding, and Motteram & Co. Birmingham. Fiat, Jan. 22. Pet. Cr. Joseph Robinson, of Moulton, Lincolnshire, farmer.
- WHYTE** Thomas, of Worcester-street, in Birmingham, in the county of Warwick, hardware merchant, *d. c.*—Official assignee, Valpy.—Sols. Messrs. Ryland, Birmingham. Fiat, Jan. 23. Pet. Crs. James and Theodore Moilliet, of Birmingham, bankers.

#### CERTIFICATES to be allowed February 21.

- Akehurst Ann, of East Mallings, baker.  
 Cross William, of Chester, lead-merchant.  
 Eccles Samuel, of Manchester, cotton-manufacturer (partner with Charles Ridings).  
 Palmer Robert Ball, of Bath, watch-maker.  
 Sherwood Thomas, of Tilehurst, brick-maker.  
 Walker Robert Edwards, of Liverpool, merchant, (partner with William Henry Fitchugh).

#### DIVIDENDS.

- Date of Fiat.
- 1844, **EATON** Richard, of No. 13, Featherstone-street, City-road, Middlesex, butcher; div.
- 1844, **GIBBONS** Joseph, of High-street, St. Marylebone, Middlesex, carpenter and builder; final div.
- 1844, **HAWKES** William Robert, of Brighton, Sussex, common brewer and coal-merchant; div.
- 1843, **HITCHCOCK** John Robert, of New Sarum, Wiltshire, hosier and carrier; div.
- 1843, **HOLDSWORTH** George, of Salterly Mill, in Northowram, Halifax, Yorkshire, worsted-spinner and manufacturer; fur. div.

#### Date of Fiat.

- 1837, **HUMBERSTON** Charles, and Samuel Frodeham, of Liverpool, Lancashire, commission-merchants, and carrying on business at Ramsey, in the Isle of Man, as ship-builders, under the firm of Charles Humberston & Co.; div.
- 1844, **MONTEFIORE** Jacob, and Joseph Barrow Montefiore, late of George-street, Mansion-house, London, and recently of Nicholas-lane, same city, merchants; sep. diva.
- 1842, **MURRAY** Edward Thomas, of Church-street, St. Mary, Newington, Surrey, leather-seller, and of Great George-street Bermondsey, Surrey, japanner and enameller of leather; fin. div.
- 1844, **PARR** Thomas, of Liverpool, Lancashire, plumber, painter and glazier, and bosier and draper; div.
- 1834, **PROSSER** William, the elder, and William Prosser, the younger, of Pittfield-street, Hoxton, Middlesex, linen-draper; final div.
- 1841, **ROBBINS** James, of Winchester, Hants, bookseller; div.
- 1842, **TODD** Thomas, of Manchester, Lancashire, dealer in cotton and woollen goods, and also under a fiat against Francis Deslinne, of Manchester, Lancashire, check and gingham manufacturer; joint div., and first sep. div. of Todd.
- 1843, **WOOD** Henry, and William Port, of Burton-upon-Trent, Staffordshire, screw-manufacturers; final joint and sep. diva.
- 1844, **WOODHEAD** Joseph, and John Woodhead, both of Bradford, Yorkshire, worsted-stuff manufacturers, carrying on business under the firm of Joseph Woodhead & Co.; div.

#### Gazette, Tuesday, February 4.

#### BANKRUPTS.

##### TOWN AND COUNTRY FIATS.

- ASHBARRY** Joseph, of Holm Lacy, in the county of Hereford, farmer, timber-merchant, *d. c.*—Official assignee, Whitmore.—Sols. Lanwarne, Hereford, and Suckling, Birmingham. Fiat, Jan. 22. Pet. Cr. Nicholas Lanwarne, Hereford, gent.
- ASTON** William, the elder, of Aston juxta Birmingham, in the county of Warwick, victualler, *d. c.*—Official assignee, Bittleston.—Sols. Chaplin, Gray's Inn, and Messrs. Harrison & Smith, Birmingham. Fiat, Jan. 25. William Aston, jun., of Birmingham, locksmith and bell-hanger.
- HAWARD** Charles Stephen, of Colchester, in the county of Essex, grocer and tallow-chandler, *d. c.*—Official assignee, Whitmore.—Sols. Reed & Shaw, Friday-street, and Philbrick & Co. Colchester. Fiat, Jan. 30. Pet. Crs. John William Egerton Green and George Round, of Colchester, bankers.
- HEGGINBOTHAM** Joseph, and George Peck, both of Great Bridge-way-street, in Manchester, in the county of Lancaster, machine-makers, *d. c.* and copartners.—Official assignee, Hobson.—Sols. Makinson & Co. Temple, and Atkinson & Co. Manchester. Fiat, Jan. 29. Pet. Crs. George Wilson and Joseph Porter, of Salford, machine-makers.
- HUMM** Samuel, late of No. 146, Brick-lane, Bethnal-green, in the county of Middlesex, silk hat and cap manufacturer, *d. c.*—Official assignee, Edwards.—Sols. Horwood & Griffin, Austin-friars. Fiat, Jan. 24. Pet. Cr. Thomas Harris, of Coventry and Ironmonger-lane, silk-shag manufacturer.
- MILLER** James, of the town and county of the town of Southampton, boot and shoe maker, *d. c.*—Official assignee, Groom.—Sols. Smith and Atkins, Serjeants' Inn, and Mackey & Girdlestone, Southampton. Fiat, Jan. 28. Pet. Cr. Ann Lepard, of the Three Crowns Old Jewry, widow.
- RAYNER** James Burton, and Thomas Scarlett Carter, of Coleman-street, in the city of London, lamp-manufacturers and copartners, trading under the firm of Rayner, Carter & Co.—Official assignee, Alsager.—Sols. Stevens & Co. Queeco-street. Fiat, Jan. 31. Pet. Cr. Samuel Carter, of Blackman-street, tallow-chandler.
- WESTON** Thomas, of the town and county of Southampton, plumber, painter and glazier, *d. c.*—Official assignee, Bell.—Sols. Jones & Co. Bedford-row. Fiat, Jan. 31. Pet. Cr. Charles Thomas Rimer, of Southampton, provision-merchant.
- WHITLOW** John, of Manchester, in county of Lancaster, lacemaker, *d. c.*—Official assignee, Pott.—Sols. Reed & Shaw, Friday-street, and Sale & Worthington, Manchester. Fiat, Jan. 24. Pet. Crs. Sampson Copestake and George Moore, of Bow-churchyard.

**CERTIFICATES to be allowed February 25.**

Butterworth Thomas William, of Hulme, draper.  
 Davidson Gordon Forbes, late of Hong Kong, merchant, and now of John-street, Adelphi.  
 Parkinson Richard, of Calverley, cloth-manufacturer.  
 Smith William, of Gloucester-street, Hoxton, builder.  
 Walker Henry, of Luton, cordwainer.  
 West James Graham, of Wandsworth, grocer.

**DIVIDENDS.**

Date of Fiat.

- 1844, **ALSOP** Richard, of Manchester, Lancashire, grocer and shop-keeper; final div.
- 1841, **ARTHUR** John, and David Arthur, both of Neath, Glamorganshire, iron-masters and coal-merchants; sep. div. of David Arthur.
- 1844, **BAIL** Jonathan, of Salisbury, Wiltshire, cabinet-maker and upholsterer; final div.
- 1810, **BULL** John, William Banks, and George Bryson, of King-street, Cheapside, London, wholesale linen-draper; final joint div.
- 844, **CURRIE** Robert, of Newcastle-upon-Tyne, bookseller and stationer; final div.
- 842, **FLETCHER** William, of Birmingham, Warwickshire, oil and colourman; div.
- 842, **GINGER** Thomas, of Leighton Buzzard, Bedfordshire, inn-keeper and dealer in cows; final div.
- 941, **HUNT** Robert, Holdsworth Carey, and Edward Osborne Smith, of Old Broad-street, London, and of Hamburg, in Germany, merchants, trading together with Henry Carew Hunt, under the several firms of R. & H. Hunt & Co., and E. Osborne Smith, and with which said Henry Carew Hunt, described of Hamburg and of Old Bond-street, as trading with Robert Holdsworth Carew Hunt and Edward Osborne Smith, under the several firms aforesaid, has been incorporated under an order of the Court of Review; final joint and final sep. divs.
- 43, **JONES** Samuel, of No. 78, Cheapside, London, jeweller; div.
- 39, **LAKIN** Thomas, of Nottingham, builder and cabinet-maker; div.
- 37, **MEASE** Thomas, of Stokesley, Yorkshire, flax-spinner; first and final div.
- 44, **OLIVER** William, of Darlington, Durham, printer, bookseller and stationer; first div.
- 7, **PEARSON** Thomas, late of Little Eastcheap, but now of Mitre-court, Fenchurch-street, London, wine-merchant; div.
- 3, **PEARSON** William, of Chelmsford, Essex, draper; final div.
- 5, **PYM** Joseph, the younger, of Belper, Derbyshire, cabinet-maker; div.
- 3, **REYNOLDS** Thomas, the younger, of No. 32, Great Saint Helena, Bishopsgate-street, London, merchant; div.
- 2, **RIDLEY** George, formerly of Mincing-lane, London, afterwards of St. Mary at Hill, London, and of Southampton-street, Camberwell, Surrey, and now of No. 10<sup>th</sup> Gould-square, London, wine and spirit merchant; div.
- , **RODERICK** David, of St. Martin's-court, St. Martin's in the Fields, Middlesex, victualler; div.
- , **SIMMONS** James, John Simmons, and John Pine, of Battersea, Surrey, and Stoney-street, Southwark, Surrey, manufacturers of prussiate of potash; final div.
- , **WALKER** Thomas, now or late of Kirkstall, in Leeds, Yorkshire, brewer and maltster; final div.
- , **WILLIAMS** Peter, and Charles Mottram, of Wood-street, London, Manchester warehousemen; sep. divs.

**Gazette, Friday, February 7.****BANKRUPTS.****TOWN AND COUNTRY FIATS.**

D John, of Deptford, in the county of Kent, builder.—Official assignee, Whitmore.—Sol. Govett, North-place, Gray's Inn-road. Feb. 3. Bankrupt's own petition.

SHAW James, of No. 57, High-street, Camden-town, in the county of Middlesex, coal-merchant, d. c.—Official assignee, Bell.

—Sols. Scaddington & Son, Gordon-street, Gordon-square. Fiat, Jan. 28. Pet. Cr. Edward Lane, of Alderagate-street, straw-hat manufacturer.

COLT William Henry, of Long Melford, in the county of Suffolk, grocer, d. c.—Official assignee, Follett.—Sols. Raimond & Gooday, Gray's Inn, and Dowman, jun., Sudbury. Fiat, Jan. 22. Pet. Cr. William Man, of Glemsford, Suffolk, soap-manufacturer.

HAYWOOD George, of Luton, in the county of Bedford, bricklayer and plasterer, d. c.—Official assignee, Belcher.—Sols. Dyne, Lincoln's Inn-fields, and Waring, Luton. Fiat, Feb. 3. Pet. Cr. William Harris Cooper, Edward Lawford, and Henry Cooper, of Leighton Buzzard, wharfingers.

RICHARDSON John, of No. 37, Fish-street-hill, in the city of London, carrying on business at No. 73, Cornhill, in the said city, as a boot and shoe maker, d. c.—Official assignee, Edwards.—Sol. King, St. Mary Axe. Fiat, Feb. 4. Bankrupt's own petition.

RUGG Samuel, of Chamberlayne Town, in the town and county of the town of Southampton, carpenter and builder, d. c.—Official assignee, Graham.—Sol. Paterson, Bouverie-street. Fiat, Feb. 4. Bankrupt's own petition.

TAVENER Samuel, of No. 9, Sovereign-mews, Paddington, in the county of Middlesex, bricklayer and builder.—Official assignee, Johnson.—Sol. Chisholme, Cook's-court. Fiat, Feb. 4. Pet. Cr. William Spiller, of Upper Berkeley-street, Paddington, plumber.

**CERTIFICATES to be allowed February 28.**

Addenbrook Henry, of Dudley, druggist and grocer.  
 Cork John Frederick, and James Launcelot De Carle, of New Bond-street, coach-builders.

Dore William Luke, of Egham, innkeeper.

Figge John Frederick, of Dunster-court, Mincing-lane, merchant.

Gibb John, of Liverpool, ship-chandler, (partner with James Storey).

Roberts William Kent, of Abingdon, grocer.

Sawyer William, of William-street, St. George's East, oilman.

Sharples John, of Blackburn, cotton-manufacturer.

Tomlin James, of St. Michael's-alley, ship-broker.

**DIVIDENDS.**

Date of Fiat.

- 1841, **COLLINSON** Thomas, of Wakefield, Yorkshire, boat-builder; div.
- 1844, **HIGGINS** William, and Thomas Higgins, of Old Bond-street, Middlesex, hosiers and glovers, carrying on business under the style or firm of Higgins & Son; divs.
- 1844, **MALLALIEU** James, formerly of High Stile, within Saddleworth, Yorkshire, woollen-manufacturer and merchant, believed to be now or late residing at New York, in the United States of America; first div.
- 1841, **THELWELL** Richard, of Manchester, Lancashire, silversmith; final div.
- 1840, **WRIGHT** Benjamin, of Liverpool, Lancashire, dealer in paint; div.

**Gazette, Tuesday, February 11.****BANKRUPTS.****BANKRUPTCY SUPERSEDED.**

DICKIN Edward, of Tycock, Denbighshire, grocer and draper.

**TOWN AND COUNTRY FIATS.**

ATKINSON Anthony, and Francis Atkinson, of the borough and county of Newcastle-upon-Tyne, colour manufacturers and commission-agents and copartners.—Official assignee, Wakley.—Sols. Watson, Newcastle, and Shield & Harwood, Queen-street, Cheapside. Fiat, Feb. 4. Pet. Cr. Anthony Harris, of Middlesbrough, coal-fitter.

BELLENGER Hippolite Francis, of No. 10, Great Pulteney-street, Golden-square, in the county of Middlesex, but late of the Spread Eagle public-house, No. 303, Oxford-street, in the said county, licensed victualler, d. c.—Official assignee, Bell.—Sol. Robson, Clifford's Inn. Fiat, Jan. 23. Bankrupt's own petition.

BURRELL James, and Thomas Hall, both of Thetford, in the county of Norfolk, iron-founders, d. c. and copartners in trade.—Official assignee, Johnson.—Sol. Johnston, Chancery-lane. Fiat,



Feb. 1. *Pet. Cra.* John Meyer and James Meyer, of Conduit-street, Bond-street, tailors, and Michael Forrestall, of Rodney-buildings, New Kent-road, executors of J. Meyer, deceased.

**CHALLENGOR** John, of No. 45, White-street, in the borough of Southwark, in the county of Surrey, grocer and cheesemonger, and general dealer, *d. c.*—Official assignee, Alsager.—Sols. Buchanan & Grainger, Basinghall-street. *Fiat*, Feb. 7. Bankrupt's own petition.

**COTTRELL** William, of Compton-walk, in the parish of St. Mary, in the town and county of the town of Southampton, tea-dealer and grocer, *d. c.*—Official assignee, Johnson.—Sols. Braikenridge, Bartlett's-buildings, Holborn, and Newman, Southampton. *Fiat*, Feb. 7. *Pet. Cr.* George Edward Humphry, of Southampton, surgeon.

**GRAY** Henry Peacock, of the Caroline Livery-stables, Caroline-street, Eaton-square, in the county of Middlesex, and also of No. 6, Caroline-street aforesaid, horse-dealer and livery-stable keeper, *d. c.*—Official assignee, Turquand.—Sol. Dupree, Lawrance-lane. *Fiat*, Feb. 7. Bankrupt's own petition.

**PAUL** William Cheate, of Romford, in the county of Essex, sheep-salesman and cattle-dealer.—Official assignee, Groom.—Sol. Hilleary, Fenchurch-street. *Fiat*, Feb. 10. Bankrupt's own petition.

**PETERS** John, of Godstone, in the county of Surrey, innkeeper.—Official assignee, Green.—Sols. Blake & Co. King's-road, Bedford-row, and Dempster, Brighton. *Fiat*, Feb. 5. *Pet. Cr.* Joseph Johnson, of the White Hart Hotel, Windsor, hotel-keeper.

**STEADMAN** Richard, and William Adie, of Birmingham, in the county of Warwick, button-makers, and copartners.—Official assignee, Christie.—Sols. Harrison & Smith, Birmingham. *Fiat*, Jan. 24. Bankrupts' own petition.

**TYLER** Spencer William, of Walcot-place, Lambeth, in the county of Surrey, carpenter and undertaker.—Official assignee, Graham.—Sols. Buchanan & Co. Basinghall-street. *Fiat*, Feb. 8. Bankrupt's own petition.

#### *CERTIFICATES to be allowed March 4.*

Blackburn Peter, of Salford, builder.

Glover Edward, jun., of Leicester, ironmonger and silversmith.

Hannay David, late of Cavendish-square, then of the Fleet prison, banker.

Hayward William Henfy, of Manchester, cotton-spinner, (partner with Robert Collier).

Paper John, of Bridge-road, Lambeth, tailor.

Rayner Christopher, of Blackburn, grocer.

Ross Joseph Clark, of Savage-gardens, merchant.

Stinton William, of Duke-street, Grosvenor-square, cook.

Utting James Henry, of Newman-street, upholsterer.

Wates John, of the Old Kent-road, victualler.

Webb Richard John, of Bath, wine-merchant.

#### *DIVIDENDS.*

Date of *Fiat*.

1834, **BROOKES** William, of New-street-square, Fetter-lane, London, lamp-manufacturer; div.

1819, **CARTER** John Sigourney, and Richard Cornforth, of Liverpool, Lancashire, merchants; div.

1840, **CATOR** George Albemarle, of Leeds, Yorkshire, wool-merchant; final div.

1844, **GREEN** Tom Walter, of Leeds, Yorkshire, bookseller and printer; div.

1836, **HAYTON** Joseph, formerly of Maryport, Cumberland, but now of Wigton, same county, ship-owner; final div.

1828, **MARSHALL** Robert Holmes, of Plymouth, Devonshire, draper; div.

1844, **RICHARDSON** William, of Newcastle-upon-Tyne, glass-manufacturer, painter and glazier; div.

1822, **ROBERTSON** William, of Great St. Helen's, London, insurance-broker; final div.

1844, **TOMKINSON** Michael, of Kidderminster, Worcestershire, linen-draper; div.

1844, **WATSON** Sarah Taylor, and William Byers, trading under the name, style and firm of Watson, Byers & Co., of Skinner-street, London, woollen and Manchester warehousemen; sep. divs.

*Gazette, Friday, February 14.*

#### *BANKRUPTS.*

##### *TOWN AND COUNTRY FIATS.*

**CHRISTIAN** William Alexander, of Newcastle-street, Strand, in the county of Middlesex, innkeeper.—Official assignee, Pennell.—Sols. Paynter & Co. Gray's Inn. *Fiat*, Feb. 13. Bankrupt's own petition.

**FLINT** Algernon Lindsey, of No. 62, Aldermanbury, in the city of London, and of Upper Clapton, in the county of Middlesex, warehouseman, *d. c.*—Official assignee, Pennell.—Sol. Cox, Finsbury Hall. *Fiat*, Feb. 6. *Pet. Cr.* Thomas Fort Piper, of Cheap, stay-manufacturer.

**HERBERT** Robert Mayo, late of Truro, in the county of Cornwall, but at present at Reading in the county of Berks, tea-dealer and grocer, *d. c.*—Official assignee, Turquand.—Sols. Hill & Matthews, Bury-court, St. Mary Axe. *Fiat*, Feb. 3. *Pet. Cr.* Samuel Hanson, of Botolph-lane, fruit-merchant.

**HILL** Richard, of the city of Exeter, currier, *d. c.*—Official assignee, Hernaman.—Sols. Terrell, Exeter, and Terrell, Gray's Inn-square. *Fiat*, Feb. 10. Bankrupt's own petition.

**HOWELL** William, the younger, of Liverpool, in the county of Lancaster, bookseller.—Official assignee, Bird.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Fisher & Co. Liverpool. *Fiat*, Feb. 6. *Pet. Cr.* John Howell, of Liverpool, bookseller.

**MACWILLIAM** James, of the city of Gloucester, hosier, *d. c.*—Official assignee, Miller.—Sols. Richards & Co. Tewkesbury. *Fiat*, Jan. 30. *Pet. Cr.* Robert Dickson, of Tewkesbury, grocer.

**OLDHAM** John, of the borough of Kingston-upon-Hull, iron-founder, *d. c.*—Official assignee, Fearn.—Sols. Willis & Co. Tokenhouse-yard, Colbeck & Co. Hull, and Horsfall & Harrison, Leeds. *Fiat*, Feb. 11. Bankrupt's own petition.

**RAWLINGS** Francis John, of the Promenade, in Cheltenham, in the county of Gloucester, cabinet-maker and upholsterer, *d. c.*—Official assignee, Hutton.—Sols. Newbon & Evans, Doctors' Commons. *Fiat*, Feb. 8. *Pet. Cra.* William Harding and Frederick George Harding, of Fore-street, plate-glass factors.

**SANDERSON** John, of Liverpool, in the county of Lancaster, merchant, *d. c.*—Official assignee, Cazenove.—Sols. Birch & Bramah, Great Winchester-street, and Stockley & Thompson, Liverpool. *Fiat*, Jan. 20. *Pet. Cra.* Sebastian Gonzalez Martinez, and John Peter Gassiot, sen. and jun., of London and Oporto, wine-merchants.

**TURNER** Joseph, and Samuel Weeks, of Bevois-street, in the town and county of the town of Southampton, stone-masons and builders, *d. c.*, carrying on business in copartnership together, under the style or firm of Turner & Weeks.—Official assignee, Turquand.—Sol. Paterson, Bouverie-street. *Fiat*, Feb. 11. Bankrupts' own petition.

**WATSON** Samuel, of the Saw Mills, Highbridge, in the parish of Barnham, in the county of Somerset, stone-mason and stone-cutter, *d. c.*—Official assignee, Acraman.—Sol. Gray, Bristol and Bath. *Fiat*, Feb. 8. Bankrupt's own petition.

**WHITE** John, of No. 6, Great St. Andrew-street, Seven-dials, in the county of Middlesex, leather-seller, *d. c.*—Official assignee, Johnson.—Sol. Hall, Rupert-street. *Fiat*, Feb. 11. Bankrupt's own petition.

**WICKS** Jacob, of No. 2, Peter-street, in the parish of St. Peter's, in the city and county of Bristol, grocer and tea-dealer, and provision merchant, *d. c.*—Official assignee, Acraman.—Sol. Gray, Bristol and Bath. *Fiat*, Feb. 8. Bankrupt's own petition.

#### *CERTIFICATES to be allowed March 7.*

Croasfield Thomas, sen., of Kirkham, linen-draper.

Eaton Richard, of Featherstone-street, butcher.

Footner Robert, of Lymington, cabinet-maker.

Heron James, of South Blyth, ship-owner.

Homer Charles, sen., of West Bromwich, wine-merchant.

Johnson James, of North-place, Gray's Inn-lane, apothecary.

Ketchum Isaac, of Liverpool, merchant.

Walter Michael, of Fleet lane, wholesale hardwareman.

Warren Amelia, of Parliament-street, confectioner.

## DIVIDENDS.

Date of Fiat.

- 1844, BALNE Humphrey Charles, of Poole, grocer; div.
- 1825, BEST John, of Kidderminster, Worcestershire, maltster; div.
- 1841, CAMPION John, and William Campion, of Whitby, Yorkshire, ship-builders; second sep. div.
- 1839, COGAN William, of Plymouth, Devonshire, builder; first and final div.
- 1844, COX John, of Norwich, cabinet-maker and upholsterer; div.
- 1844, GARNETT James Francis, of No. 1, Wellington-street, and of No. 163, Tooley-street, Southwark, hatter; div.
- 1844, KING Joseph Raymond, of Bath, druggist; div.
- 1843, LAW Stephen, of No. 102, Great Portland-street, St. Marylebone, Middlesex, upholsterer; final div.
- 1843, OLIVER John, and John York, of Stony Stratford, Buckinghamshire, bankers, and which said John York is now residing at Brighton, Sussex; fin. sep. divs.
- 1844, OWEN Barnard Benjamin, and Barnard George Owen, both of Pall-mall, Middlesex, tailors; div.
- 1826, SHARP Clement, and William Dads Clarke, of Berners-street, St. Marylebone, Middlesex, upholsters and cabinet-makers; final div.
- 1844, SMITH Leny Dighton, Henry Smith, and George Frederick Smith, of Dulverton, Somersetshire, and of Gutter-lane, London, crape-manufacturers; sep. divs.
- 1838, TERRY Charles, of Shoe-lane, London, quill-merchant; final div.
- 1841, THOMAS James Williams, of the New Corn Exchange, Mark-lane, London, and of Strood, near Rochester, corn-merchant and corn-factor; final div.
- 1844, VARDY John Eyre, of No. 108, High-street, Portsmouth, Hants, draper; div.
- 1839, WALKER Thomas, of Hook, in Snaith, Yorkshire, miller and baker; second and final div.
- 1839, WALLER Thomas, Samuel Waller, Thomas Waller, jun., William Waller, and Ralph Knowles Waller, of Manchester, Lancashire, cotton-spinners and manufacturers; final div.
- 1838, WATSON John, of No. 35, Crawford-street, Middlesex, linen-draper, lately carrying on trade there with James Watson; div.
- 1841, WILLIAMS William, of Moon-street, Bristol, builder and mason; div.

Gazette, Tuesday, February 18.

## BANKRUPTS.

BANKRUPTCY SUPERSEDED.

DIAMOND James, of George-street, Tower-hill, merchant.

TOWN AND COUNTRY FIATS.

- BIRLEY John Peart, of No. 26, Brompton-row, Brompton, in the parish of Kensington, in the county of Middlesex, plumber and glazier, *d. c.*—Official assignee, Whitmore.—Sols. Buchanan & Grainger, Basinghall-street. Fiat, Dec. 12. Bankrupt's own petition.
- BLISSON Edward, of No. 17, Lower Holborn, in the city of London, stationer, *d. c.*—Official assignee, Whitmore.—Sol. Fraser, Furnival's Inn. Fiat, Feb. 12. Pet. Cr. Stephen Hooker, of No. 45, Fleet-street, stationer.
- BREW Samuel, of No. 3, Harleston-street, Pennywell-road, in the out-parish of Saint Phillip and Jacob, in the city and county of Bristol, coal-merchant, *d. c.*—Official assignee, Kynaston.—Sol. Gray, Bristol and Bath. Fiat, Feb. 12. Bankrupt's own petition.
- BRIFFITHS Thomas, the younger, of High-street, in the town of Wem, in the county of Salop, wine and spirit merchant.—Official assignee, Whitmore.—Sols. Hammond, Furnival's Inn, Brown, Wem, and Hodgson, Birmingham. Fiat, Feb. 13. Bankrupt's own petition.
- IAGG Ichabod, of Colchester, in the county of Essex, tailor, draper, outfitter, *d. c.*, trading under the style or firm of J. Hagg & Co.—Official assignee, Belcher.—Sols. Soles & Turner, Aldermanbury. Fiat, Feb. 11. Pet. Cr. John Swinford Bassett, of Wood-street, warehouseman.

3.—BANKR. 1845.

HALL William, of Claypath, in or near the city of Durham, in the county of Durham, grocer and flour dealer, *d. c.*—Official assignee, Baker.—Sols. Marshall, Durham, Harle, Newcastle, and Rogerson, Lincoln's Inn-fields. Fiat, Feb. 12. Pet. Crs. John Sheldon, of Gilegate, near Durham, tallow-chandler, and Thomas Gibson, of Keapier, near Durham, miller.

HOLMAN John, late of the Market House Inn, Guinea-street, in the city of Exeter, victualler, keeper of an inn, *d. c.*, but now of No. 2, Grosvenor-place, St. Sidwell-street, in the same city, out of business.—Official assignee, Hirtzel.—Sols. Turner, Exeter, and Spyer, Broad-street-buildings. Fiat, Feb. 13. Bankrupt's own petition.

HUTCHINGS John, of the city of Bath, in the county of Somerset, and also late of Regent-street, in the county of Middlesex, boot and shoe maker.—Official assignee, Kynaston.—Sols. Bachelor & Co. Bath. Fiat, Feb. 10. Pet. Crs. Isaac Hemsworth, Amos Keble, and William Linley, of St. Martin's-lane, Charing-cross, leather-dealers.

KNIGHT William, of Henry-street, in Manchester, in the county of Lancaster, oil-cloth manufacturer, carrying on business there in copartnership with John Roby, the younger, of Hulme, within Manchester aforesaid, and of Rochdale, in the said county, under the firm of William Knight & Co.—Official assignee, Pott.—Sols. Makinson & Sanders, Elin-court, Temple, and Atkinson & Saunders, Manchester. Fiat, Feb. 12. Bankrupt's own petition.

REES Thomas, of Liverpool, in the county of Lancaster, porter and ale brewer, *d. c.*—Official assignee, Morgan.—Sols. Sharpe & Co. Bedford-row, and Harvey & Co. Liverpool. Fiat, Feb. 12. Bankrupt's own petition.

SCHOFIELD James, now or lately residing at Greenacres Moor, near Oldham, in the county of Lancaster, and carrying on business at Oldham and Greenacres Moor aforesaid, respectively, grocer, *d. c.*—Official assignee, Stanway.—Sols. Barratt, jun. Manchester, and Bower & Son, Chancery-lane. Fiat, Feb. 11. Pet. Cr. William Woodward, of Manchester, butter-merchant.

SCOTT Joseph, of Liverpool, in the county of Lancaster, paper-dealer, *d. c.*—Official assignee, Turner.—Sols. Parkes & Co. Bedford-row, and Greatley, Liverpool. Fiat, Feb. 12. Bankrupt's own petition.

WILKINSON Thomas, of Hartlepool, in the county of Durham, draper, *d. c.*—Official assignee, Wakley.—Sols. Marshall, Durham, Harle, Newcastle, and Rogerson, Lincoln's Inn-fields. Fiat, Feb. 4. Pet. Crs. Samuel Heighway and William Heighway, of Manchester, warehousemen.

CERTIFICATES to be allowed March 11.

Harrold George, of Birmingham, merchant.  
Lequeutra Alphonse, of Chingford Mills, miller.  
Reynolds Charles Benjamin, of Devises, tailor.  
Tucker Richard, of Dean-street, farrier.

## DIVIDENDS.

Date of Fiat.

- 1840, ATKINSON Matthew, of Temple Sowerby, Westmorland, and Jonathan Laidman, the elder, of Penrith, Cumberland, bankers; final sep. div. of Atkinson, final sep. div. of Laidman, and final sep. div. of Atkinson as a partner of the late Brewery firm of Andrew Craig & Co.
- 1844, BENSON Thomas, of No. 12, North-place, Gray's Inn-road, and No. 103, Gray's Inn-lane, both in Middlesex, stationer and account-book maker; div.
- 1844, CLEEVE Henry, of Rettenden-place, in Rettenden, Essex, and late of No. 31, Edgware-road, Middlesex, cowkeeper, cattle and sheep salesman; div.
- 1842, CLOUGH Samuel, and William Thompson Clough, both of Eccleston, Lancashire, alkali-manufacturers; div. of S. Clough.
- 1843, DAVIES John Philipps, now or late of No. 59, Davies-street, Berkeley-square, apothecary and surgeon; div.
- 1836, DREWE Joseph, of Keynsham, Somersetshire, scrivener; div.
- 1841, ESKRIGGE Thomas, of Warrington, Lancashire, cotton-manufacturer; div.
- 1839, GREEN John Wilson, of Dartmouth, Devonshire, ship-builder; fur. div.
- 1844, HALL Thomas Batt, of Coggeshall, Essex, grocer and shop-keeper; div.
- 1841, HARRIOT George, of Ormakirk, Lancashire, beer brewer; div.

## Date of Fiat.

- 1842, HEYWOOD Charles Samuel, and William Heywood, both of Manchester, Lancashire, warehousemen, (lately having had a place of business also in Basinghall-street, London); final div.
- 1844, PERKINS William, of No. 2, Commonhard, Portsea, Southampton, upholsterer; div.
- 1844, WHITEHEAD James, now of Ainsworth, Lancashire, but late of Bolton-le-Moors, common brewer; first div.
- 1843, WINTON Alexander, David Winton, and James Webber, of Wood-street, Cheapside, London, warehousemen; div.
- 1842, WORSLEY Thomas, of Stockport, Cheshire, hosier and hatter; final div.

## Gazette, Friday, February 21.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

- BEHNES William, of No. 13, Osaburgh-street, New-road, in the county of Middlesex, marble and stone merchant, sculptor, *d. c.*—Official assignee, Turquand.—Sols. Lawrence & Plews, Bucklersbury. Fiat, Feb. 19. Bankrupt's own petition.
- CRABB James, of Great Tey, in the county of Essex, bricklayer, builder, victualler, and butcher.—Official assignee, Johnson.—Sol. Bell, Bedford-row. Fiat, Feb. 15. Pet. Cr. James Willsher, of Great Tey, farmer.
- CRANSWICK Francis, of Bridlington Quay, in Bridlington, in the East Riding of the county of York, innkeeper.—Official assignee, Young.—Sols. Taylor, Bridlington, and Blackburn, Leeds. Fiat, Jan. 28. Pet. Cr. Francis Allerston, of Bridlington Quay, wine-merchant.
- DALE William, of No. 109, London-wall, in the city of London, boot and shoe maker.—Official assignee, Belcher.—Sol. Pryer, Pavement. Fiat, Feb. 17. Pet. Cr. Edward Stow, of London-wall, pawnbroker.
- DANKS John, of the borough of Birmingham, in the county of Warwick, wharfinger and carrier, *d. c.*—Official assignee, Bittleston.—Sols. Messrs. Wateleys, Birmingham. Fiat, Feb. 11. Pet. Cr. Ralph Ruscoe, of Ebrua, on behalf of the proprietors of the navigation of the Trent and Mersey.
- DOLBELL Lawrence Daniel, of Ravensbury Mill, Lower Mitcham, in the county of Surrey, dyer.—Official assignee, Edwards.—Sol. Beart, Bouvetie-street. Fiat, Feb. 19. Bankrupt's own petition.
- FERRIS Thomas, of Wootton Bassett, in the county of Wilts, grocer and tea-dealer.—Official assignee, Kynaston, Bristol. Fiat, Dec. 26. Bankrupt's own petition.
- GEORGE Lewis, late of No. 217, Regent-street, in the liberty of Westminster, and county of Middlesex, but now of Ion Cottage, Downham-road, Kingland-road, in the said county, shawl-warehouseman and furrier, *d. c.*—Official assignee, Graham.—Sols. Young & Co. St. Mildred's-court. Fiat, Feb. 17. Pet. Cr. Susan Woods, of Vicarage-terrace, Stratford, spinster.
- LANGSTON Thomas, of Manchester, in the county of Lancaster, share-broker and agent, *d. c.*—Official assignee, Fraser.—Sols. Hitchcock & Co. Manchester, and Johnson & Co. Temple. Fiat, Feb. 12. Pet. Cr. William Frazer Hoyland, and William Frederick Seebohm, of Manchester, share-broker.
- RANSFORD Charles, of Stoneley, South Tottenham, in the county of Middlesex, grocer and cheesemonger.—Official assignee, Bell.—Sol. Kempster, Kennington-lane. Fiat, Feb. 15. Pet. Cr. James Wilkinson, of Union-street, Southwark, grocer.
- REEVES William, of Nos. 34 and 35, Belvedere, in the parish of Walcot, in the county of Somerset, coach-builder and harness-maker, *d. c.*—Official assignee, Hutton.—Sol. Gray, Bristol and Bath. Fiat, Feb. 15. Bankrupt's own petition.
- SAMSON Gerard, of Weymouth and Melcombe Regis, in the county of Dorset, corn-dealer, *d. c.*—Official assignee, Hernaman.—Sols. Phillips, Weymouth, Combe, Staple Inn, and Terrell, Exeter. Fiat, Feb. 11. Bankrupt's own petition.
- TAYLOR James, of Higher Walton, in the county of Chester, farmer and provision dealer.—Official assignee, Hobson.—Sols.

Johnson & Co. Temple, and Needham, Manchester. Fiat, Feb. 17. Pet. Cr. John Worthington, of Manchester, corn-dealer, and Joseph Hall, of Bowden, farmer.

THORNTON Charles, of Huddersfield, in the county of York, stationer and bookseller, *d. c.*—Official assignee, Fearn.—Sols. Clarke & Cooper, Old Bailey, and Floyd & Booth, Huddersfield. Fiat, Feb. 11. Pet. Cr. Sir James Williams, bart., William Cooper, Cornelius Boyle, William Cooper, jun., and Thomas Cooper, of West Smithfield, wholesale stationers.

WELLS James, of Winchcomb, in the county of Gloucester, common carrier, coal-merchant, *d. c.*—Official assignee, Miller.—Sol. Trenchard, Winchcomb. Fiat, Feb. 14. Pet. Cr. William Roberts, of Winchcomb, carpenter, and Ann Roberts, of Winchcomb, widow.

WYATT Alfred, formerly of Highworth, in the county of Wilt, licensed victualler, but now residing at Babmaes-mews, Well-street, St. James's, in the county of Middlesex, out of business.—Official assignee, Follett.—Sol. Taylor, South-place, Finsbury-square. Fiat, Feb. 20. Bankrupt's own petition.

## CERTIFICATES to be allowed March 14.

- Coleman Richard, of Colchester, iron-founder, (partner with Edwin Robert Hall).
- Craven George, of Wakefield, maltster.
- Flight Edward Gill, of Adam-street, Adelphi, publisher.
- Hambleton Charles Henry, of Northampton-street, Bethnal-green, victualler.
- Mallalieu James, of Halifax, cotton-spinner.
- Maslin Martin, of Croydon, coal-merchant.
- Walker Cecil Sober Taylor, of Oxford-street, artificial florist.
- Watkinson Henry, of Meredith-street, grocer.
- Watson Sarah Taylor, of Skinner-street, woollen warehouseman, (partner with William Byers).

## DIVIDENDS.

## Date of Fiat.

- 1844, BARTON William Henry, of No. 9, Bedford-place, Commercial-road East, and of No. 2, Church-lane, Whitechapel, Middlesex, and of High-street, Chelmsford, Essex, and of No. 5, Town Pier, Gravesend, Kent, boot and shoe maker; div.
- 1827, BIRKETT William, of Whitehaven, Cumberland, grocer; final div.
- 1840, BRECKELS Samuel, of High-street, Southwark, Surrey, bedstead-maker; final div.
- 1842, BROWN Joseph, of Regent-street, St. John's, Westminster, grocer and cheesemonger; div.
- 1844, DRAGE James Robert, of Leeds, Yorkshire, tallow-merchant; first div.
- 1843, GRAY John Lavender, of No. 50, Jermyn-street, St. James's, Westminster, tailor; div.
- 1840, HARRISON Henry, of Bruton-street, St. George's, Hanover-square, Middlesex, builder; div.
- 1809, HAWKSLEY John, of Arnold, Nottinghamshire, merchant; final div.
- 1844, MANIGLIEA John, of No. 73, Oxford-street, Middlesex, watch and clock maker, jeweller, and trader; div.
- 1841, NOBBS William Mather, of Munday's Hotel, Maiden-lane, Middlesex, hotel-keeper, and of No. 4, Upper Seymour-street, Euston-square, Middlesex, chemist and druggist; div.
- 1844, OLDHAM James, of Wood-street, London, silk-warehouseman; div.
- 1844, ROBINSON Henry, of Devonport, Devonshire, brewer; first div.
- 1844, SEDMAN John, of No. 18, Queen-street, Cheapside, London, colour-merchant; div.
- 1842, SPARHAM John, late of Frostons, Suffolk, miller; final div.
- 1843, STENT William, of No. 265, Oxford-street, Middlesex, baker; final div.
- 1839, STRINGER James Ralph, of Houndsditch, London, wholesale clothier; final div.
- 1835, TEMPEST Thomas, of Leeds, Yorkshire, grocer; second and final div.
- 1844, THEMANS Levi Israel, of No. 4, Sidney-place, Commercial-road, Middlesex, tea-dealer; div.

## Date of Fiat.

- 1844, TUCKER Richard, of Dean-street, Westminster, farrier; div.  
 1844, WALLINGTON Jacob, of Bristol, painter and ship-chandler; div.  
 1844, WALTON George, of Stockton-on-Tees, Durham, wine and spirit merchant; final div.  
 1844, WATSON James, of Carlisle, grocer; div.  
 1837, WILLIAMS John Bish, of No. 138, Regent-street, St. James's, Westminster, stationer; div.  
 1844, WOOD Henry, of Basinghall-street, London, woollen-factor and warehouseman; div.

Gazette, Tuesday, February 25.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

- BROWN James, formerly of No. 46, Cheapside, and now of No. 2, Skinner-street, Snow-hill, both in the city of London, wholesale and retail and manufacturing perfumer, and an occasional dealer in seed, wheat, corn, and other grain, *d. c.*—Official assignee, Alsager.—Sol. Torkington, New Bridge-street. Fiat, Feb. 2. Bankrupt's own petition.  
 DANDAY John Henry, of No. 4, Glasshouse-street, Regent-street, in the parish of St. James, Westminster, tailor and trousers maker, *d. c.*—Official assignee, Whitmore.—Sol. Sutcliffe, New Bridge-street. Fiat, Feb. 14. Pet. Cr. John Wild Gabriel, of Regent-street, woollen-draper.  
 DAVIS Lovel, of Ewhurst, in the county of Sussex, wine and spirit agent, *d. c.*—Official assignee, Green.—Sols. Gregson and Kewell, Angel-court, Throgmorton-street, and Young, Battle. Fiat, Feb. 19. Bankrupt's own petition.  
 GRAY James, of Manchester, in the county of Lancaster, upholsterer, *d. c.*—Official assignee, Stanway.—Sols. Soles & Turner, Aldermanbury, and Todd, Manchester. Fiat, Feb. 20. Pet. Cr. William Smee, of Finsbury-pavement, wholesale upholsterer.  
 LEE Charles, of Wakes Colne, in the county of Essex, miller, *d. c.*—Official assignee, Graham.—Sol. Marriott, New Inn, and Colchester. Fiat, Feb. 22. Pet. Cr. Benjamin Scott, of Colchester, corn-dealer.  
 MURCOTT Cornelius, now or late of Birmingham, in the county of Warwick, factor, coal-dealer, *d. c.*—Official assignee, Christie.—Sols. Tyndall & Sons, Birmingham. Fiat, Feb. 13. Pet. Crs. George Attwood, Thomas Attwood, Isaac Spooner, and Richard Spooner, of Birmingham, bankers.  
 UMNER William Holmes, of No. 51, High-street, Hoxton Old Town, in the county of Middlesex, grocer and tea-dealer, *d. c.*—Official assignee, Groom.—Sol. Murray, of No. 11, London-street. Fiat, Feb. 18. Pet. Cr. William Smith, of Fenchurch-street, tea-agent.

## CERTIFICATES to be allowed March 18.

- Alexander George, of Beaminster, innkeeper.  
 Emming Edward, of Peckingham, needle-manufacturer.  
 Eybourn James, of Bradford, provision shopkeeper.  
 Icholl Henry, of Halifax, worsted-spinner.  
 Owen Bernard Benjamin, and Bernard George Owen, of Pall-mall, tailors.  
 Erie John Carr, of Bedlington, miller.  
 Villito Thomas, of Leeds, chemist.  
 Yardley William, of Ecclefeish, flax-spinner, (partner with John Yearley and Elizabeth Yearley).

## DIVIDENDS.

- to of Fiat.  
 12, CLAY Joseph, of Dewsbury, Yorkshire, draper; div.  
 19, COCHRAN William, of Lima, in Peru, South America, and John Parish Robertson, of London, merchants and factors, lately carrying on business at Lima aforesaid, under the firm of Cochran & Robertson; fur. div.  
 14, NORMAN William, of No. 29, John-street, Tottenham-court-road, Middlesex, pianoforte maker; div.  
 10, THORNLEY Edward, of Hinckley, Leicestershire, money-scrivener; final div.

## Date of Fiat.

- 1843, WELSH William Inman, of No. 16, Great Queen-street, Lincoln's Inn-fields, Middlesex, and also of Wells, Somersetshire, formerly carrying on the business of an attorney and solicitor at Wells, with William Truman Harford Phelps, and a shareholder in the Monmouthshire Iron and Coal Company, and also a shareholder in the Swansea and Gwaun Cae Gurwen Anthracite Company, common brewer, iron-master, coal-master, and scrivener; div.  
 1844, WHITTAKER Henry, of Macclesfield, Cheshire, silk-throwster; first div.

Gazette, Friday, February 28.

## BANKRUPTS.

## BANKRUPTCIES SUPERSEDED.

- ELDRIDGE Ralph, of Bletchingley, innkeeper.  
 WILLIAMS John Pownall, of East Stonehouse, draper.

## TOWN AND COUNTRY FIATS.

- BAYLEY Edward, of Cheswardine, near Market Drayton, in the county of Salop, apothecary.—Official assignee, Bittleston.—Sols. Hammond, Furnival's Inn, Brown, Wern, and Hodgson, Birmingham. Fiat, Feb. 21. Bankrupt's own petition.  
 DALTON James, of Salford, in the county of Lancaster, joiner and builder.—Official assignee, Pott.—Sols. Woodburne, Manchester, and Rickards & Walker, Lincoln's Inn-fields. Fiat, Feb. 24. Bankrupt's own petition.  
 DEES William, James Dees, and James Hogg, of the borough and county of Newcastle-upon-Tyne, and of Darlington, in the county of Durham, builders and copartners, *d. c.*—Official assignee, Wakley.—Sols. Williamson & Hill, Verulam-buildings, and Bates & Dees, Newcastle. Fiat, Feb. 21. Bankrupt's own petition.  
 GORDON James Brodie, and Robert Gordon, of Orchard House, Poplar, in the county of Middlesex, coopers and copartners, *d. c.*, lately trading under the firm of Robert Gordon & Sons, and now in the firm of Gordon & Company.—Official assignee, Groom.—Sols. Stevens & Co. Queen-street. Fiat, Feb. 25. Pet. Cr. Ann Clarke, of Orchard-place, Poplar, widow.  
 GREEN James, and Charles Green, late of the Borough-road, Southwark, in the county of Surrey, corn-dealers and cab-masters.—Official assignee, Johnson.—Sol. Smith, Barnard's Inn. Fiat, Feb. 26. Pet. Cr. Cyrenius Herring, of Asylum-buildings, Westminster-road, coach-builder.  
 RALPH John, formerly of the Crown Inn, in the parish of Weston, near the city of Bath, in the county of Somerset, innkeeper, afterwards of the Britannia Inn, in the parish of Walcot, in the said county of Somerset, innkeeper, then of No. 2, Hanover-place, in the said parish of Walcot, in the county of Somerset, not in any way of business, and now of No. 30, Walcot-street, in the said city of Bath, in the county of Somerset, innkeeper, *d. c.*—Official assignee, Kynaston.—Sol. Gray, Bristol and Bath. Fiat, Feb. 21. Bankrupt's own petition.  
 RAWLINGS Mary, and Francis John Rawlings, both of Cheltenham, in the county of Gloucester, cabinet-makers and upholsterers, and copartners in trade.—Official assignee, Hutton.—Sols. Brooks & Farmer, Tewkesbury and Cheltenham, Peters & Abbott, Bristol, and Talbot, Kidderminster. Fiat, Feb. 20. Pet. Crs. George Talbot, jun., of Kidderminster, and Henry and Frederick Talbot, his copartners, carpet-manufacturers.  
 WELCH James, of the Coach and Horses, Ring-cross, Holloway, in the county of Middlesex, and of Chalgrove, in the county of Bedford, licensed victualler, cattle-dealer, *d. c.*—Official assignee, Follett.—Sol. Wollen, Bucklersbury. Fiat, Feb. 25. Bankrupt's own petition.

## CERTIFICATES to be allowed March 21.

- Brett John, of Bury St. Edmunds, currier.  
 Clarke Henry, of Sheffield, builder.  
 Drury William Starr, of Chester, ironmonger.  
 Dunnet James, and John Grimes, of Bristol, plasterers.  
 Lambert James, of Monmouth, draper.  
 Row John, of Torrington, chemist.  
 Vaile Joseph, of Cheltenham, wine-merchant.  
 Watson Leonard, of Rickmansworth, smith.

**DIVIDENDS.****Date of Fiat.**

- 1843, **BATEMAN** Samuel, of Upper Temple-street, and of Weaman-street, both in Birmingham, Warwickshire, factor; final div.
- 1844, **BERWICK** John, of Windhill, in Caverley, Yorkshire, worsted stuff manufacturer; first and final div.
- 1844, **PEACH** Samuel, of Nottingham, grocer; first and final div.
- 1843, **SAYLE** Benjamin, and Thomas Booth, of the Park Iron Works, in Sheffield, and of Tinsley Park, in Rotherham, both of Yorkshire, iron-masters, iron-founders, machine-makers, and coal-masters, trading under the firm of Booth & Co.; second div.
- 1844, **WILLIAMS** Lucy, of Oxford, woollen-draper; div.

**Gazette, Tuesday, March 4.****BANKRUPTS.****BANKRUPTCY SUPERSEDED.**

**HIGGINS** Henry, of Leeds, merchant.

**TOWN AND COUNTRY FIATS.**

- CLARK** Robert, the younger, late of Mann's Wharf, Montagu-close, Southwark, in the county of Surrey, wharfinger, but now of No. 12, Paradise-row, Rotherhithe, in the county of Surrey, out of business.—Official assignee, Bell.—Sols. Young & Hancock, Tokenhouse-yard. Fiat, March 1. Bankrupt's own petition.
- CROWTHER** Ely Walker, of Scammonden, in the parish of Huddersfield, in the county of York, woollen-cloth manufacturer, *d. c.*—Official assignee, Hope.—Sols. Meggison & Co. Bedford-row, and Messrs. Sykes, Huddersfield. Fiat, Feb. 27. Pet. Crs. Titus Schofield and David Schofield, of Almondbury, dyers, trading under the firm of Titus Schofield & Company.
- HARDWICK** William, of Holborn, in the county of Middlesex, draper, *d. c.*—Official assignee, Edwards.—Sols. Soles & Turner, Aldermanbury. Fiat, Feb. 11. Pet. Crs. Samuel Wreford, John Wreford, and William Dustan, of Aldermanbury, warehousemen.
- HART** James, of Circus-street, Greenwich, in the county of Kent, builder, *d. c.*—Official assignee, Pennell.—Sol. Yates, Bury-street. Fiat, Feb. 21. Pet. Cr. Jireh Towne, of George-street, Spitalfields, chocolate manufacturer.
- METCHER** Thomas, of the town and county of the town of Southampton, plumber and glazier, *d. c.*—Official assignee, Belcher.—Sols. Hindmarsh & Son, Jewin-crescent.—Fiat, March 1. Pet. Crs. Charles Borham Warner, John Warner, sen. and John Warner, jun., of the Crescent, Jewin-street, brass-founders.
- NICOLAY** Lewis John, of St. George's-fields, Woolwich, in the county of Kent, draper, *d. c.*—Official assignee, Pennell.—Sol. Ashurst, Cheapside. Fiat, Feb. 26. Pet. Crs. Mark Capper, Jesse Capper, and Robert Morley, of Watling-street, warehousemen.

**CERTIFICATES to be allowed March 25.**

- Hodgson** Thomas, of Manchester, calico-printer.
- Martin** Thomas George, of Cold Harbour-lane, Camberwell, wine-merchant.
- Oliver** William, of Darlington, grocer.
- Sedgwick** Thomas, of Leeds, grocer.
- Swift** Thomas, and Joseph Alfred Hensman, of Copthall-court, bill-brokers.
- Watkins** Hugh Daniel, and James Innes, of Manchester, lead-merchants.
- Wright** Thomas, of Tunstall, earthenware manufacturer, (partner with Richard Burgess and Ralph Taylor).

**DIVIDENDS.****Date of Fiat.**

- 1826, **BROUGHTON** Charles Delves, and John Gasper Garnett, both of Nantwich, Cheshire, bankers; fur. div.
- 1844, **COOLEY** Mary, of Spalding, Lincolnshire, tailor and draper; div.
- 1841, **FORD** Thomas Henry, of Rochford, Essex, victualler; div.
- 1844, **GRAVES** Rayner, of Edward-street, Portman-square, Middlesex, saddler; div.

**Date of Fiat.**

- 1839, **HARVEY** George, of Handsacre, Staffordshire, spirit and cider merchant; div.
- 1813, **ROBERTS** William, the younger, late of Farsley, in Calverley, Yorkshire, but late a prisoner in the Castle of York, said county, merchant; div.
- 1842, **SCHOFIELD** William, of Waterhead Mill, within Oldham, Lancashire, machine-maker; final div.
- 1841, **THELWELL** Richard, of Manchester, Lancashire, silversmith; final div.
- 1841, **TIMINGS** Richard Robertson, of Prospect-row, Birmingham, Warwickshire, grocer; final div.
- 1844, **WALKER** William, of Birmingham, Warwickshire, hatter; div.
- 1837, **WILSON** James, the elder, William Newton, James Wilson, the younger, Henry Newton, and George Wilson, of Derby, colour-manufacturers; final div.
- 1812, **WOOD** Walter, Thomas Smith, Robert Smith, and John Stein, of Workington, Cumberland, bankers, trading under the firm of Woods, Smiths, Stein & Co.; fur. joint div.

**Gazette, Friday, March 7.****BANKRUPTS.****TOWN AND COUNTRY FIATS.**

- BUTTERILL** William, of Sheffield, in the county of York, grocer, flour-dealer, *d. c.*—Official assignee, Freeman.—Sols. Tattersall, Great James-street, Broadbent, Sheffield, and Blackburn, Leeds. Fiat, Feb. 25. Pet. Crs. George Walker and George Wall, of Sheffield, wholesale grocers.
- CAWTHORN** William, the younger, of Salisbury Wharf, Salisbury-street, Strand, in the county of Middlesex, wine-merchant.—Official assignee, Groom.—Sol. Lawrence, Old Fish-street. Fiat, March 3. Pet. Cr. John Watkins, of Princes-street, Leicester-square, fishmonger.
- DAY** John Rock, late of the White Hart public-house, White Hart-street, Drury-lane, in the county of Middlesex, licensed victualler, *d. c.*, but now in the Queen's Prison, in the county of Surrey.—Official assignee, Bell.—Sol. Smith, Barnard's Inn. Fiat, Feb. 24. Pet. Cr. Charles Harriss, of Upper Stamford-street, gent.
- GORBELL** Thomas Kewell, of Bedford-place, Commercial-road, in the hamlet of Mile-end Old Town, in the parish of St. Dunstan, Stepney, in the county of Middlesex, bookseller and stationer, *d. c.*—Official assignee, Turquand.—Sol. Turner, Mount-place, White-chapel-road. Fiat, March 4. Bankrupt's own petition.
- HARDY** John, and George Hardy, both of Wisbech St. Peter, in the county of Cambridge, grocers and copartners, *d. c.*—Official assignee, Turquand.—Sols. Jenkins & Abbott, New Inn. Fiat, Feb. 27. Pet. Cr. Thomas Cunningham, of Wisbech, builder.
- HERRING** James Stephen, of No. 1, Cecilia place, Spa-road, Brompton, in the county of Surrey, builder.—Official assignee, Follett.—Sol. Rippon, Blackfriars-road. Fiat, Feb. 27. Pet. Cr. Michael and Edward Redden, of Holland-street, Blackfriars-road, contractors.
- JACOBS** Charles, of Farringdon-market, in the city of London, fruit salesman, dealer in fruit, *d. c.*—Official assignee, Belcher.—Sols. Overton & Hughes, Old Jewry. Fiat, March 5. Pet. Crs. John Spencer Noldwitt and Charlotte Coe, of Custom-house-court, Berrylane, Custom-house agent.
- MACKAY** Daniel, formerly of St. John's, New Brunswick, merchant, but now of Liverpool, in the county of Lancaster, master mariner.—Official assignee, Bird.—Sols. Sharpe & Co. London, and Miles & Peel, Liverpool. Fiat, March 5. Bankrupt's own petition.
- PELL** William, of the borough and county of Newcastle-upon-Tyne, linen-draper, *d. c.*—Official assignee, Baker.—Sols. Griffith & Crighton, Newcastle, and Griffith, Raymond-buildings. Fiat, March 1. Bankrupt's own petition.
- SALMON** George, of No. 15 Wharf, City-road basin, in the county of Middlesex, timber-merchant.—Official assignee, Follett.—Sols. May, Queen-square. Fiat, March 5. Pet. Cr. James Roberts, of No. 9, Billiter-street.

SPENCER William, of Wallingford, in the county of Berks, common brewer, *d. c.*—Official assignee, Alsager.—Sol. Smith, Golden-square. Fiat, Feb. 26. Pet. Cr. James Smith, of Maidenhead.

STRUCKETT John, of Wye, in the county of Kent, grocer and cheesemonger.—Official assignee, Green.—Sols. Palmer & Co. Bedford-row, and King, Maidstone. Fiat, Feb. 13. Pet. Crs. William and Thomas Lawrance, of Maidstone, grocers.

WEST Frederick, of the town and county of the town of Southampton, boot and shoe maker, *d. c.*—Official assignee, Whitmore.—Sols. Mackey & Girdlestone, Southampton, and Smith & Atkins, Serjeants' Inn. Fiat, March 5. Pet. Cr. John Banger, of Southampton, leather-cutter.

WHITTENBURY William Cornelius, of Leeds, in the county of York, cheese and bacon factor and provision dealer, *d. c.*—Official assignee, Fearn.—Sols. Messrs. Rushworth, Staple Inn, and Sanderson, Leeds. Fiat, March 3. Bankrupt's own petition.

WILSON Joseph, of No. 114, Jermyn-street, in the parish of St. James, Westminster, in the county of Middlesex, boot-maker.—Official assignee, Pennell.—Sols. Wright & Co. Golden-square. Fiat, Feb. 20. Pet. Crs. Hannah Wilson, of No. 20, Saville-row, Hanover-square, spinster, and Mary Ann Wilkinson, of No. 22, Silver-street, Golden-square, currier.

#### CERTIFICATES to be allowed March 28.

Coles Jesse, of New Bond-street, jeweller.  
Deffine Francis, of Manchester, check-manufacturer.  
Hook Joseph, of Nine Elms and Wandsworth-road, contractor.  
Mann Robert Kinder, of Hull, wine-agent.  
Parry Charles, of Cleaver-street, Kennington-road, furniture-broker.  
Rees William, and George Edwards, of Wells, gardeners.

#### DIVIDENDS.

Date of Fiat.  
1844, COLLINSON Henry Wier, of No. 14, Stamford-street, Surrey, hat-maker; div.  
1843, CREEKE Thomas, of Cambridge, tailor and robe-maker; div.  
1840, COX John, of Nottingham, silk-throwster; div.  
1815, FOWLER Daniel, and Robert Green, of Lime-street, London, merchants; div. of Fowler.  
1844, LAW William, of Reading, Berkshire, draper; div. \*  
1844, SMITH William, late of King-street, St. Giles in the Fields, but now of No. 399, Strand, both in Middlesex, printer and stationer; div.  
1843, WATHEN Obadiah Paul, of Woodchester, Gloucestershire, clothier; div.  
1841, WOOD Henry, and Alfred Wood, of Basinghall-street, London, Blackwell-hall factors and dealers in woollen cloths; div.

Gazette, Tuesday, March 11.

#### BANKRUPTS.

##### TOWN AND COUNTRY FIATS.

GREEN Albert, of No. 7, Grand-parade, Brighton, in the county of Sussex, apothecary, *d. c.*—Official assignee, Edwards.—Sols. Freeman & Co. Coleman-street, and Freeman and Cornford, Brighton. Fiat, March 6. Pet. Crs. Herbert Holtham and John Jones Rogers, of Brighton, drapers.

GRIFFITHS Thomas, late of Blaeniferd, in the parish of Llandudwydd, in the county of Cardigan, auctioneer and dealer in timber, but now and for twenty-four months last past, a prisoner confined for debt in the gaol of Cardigan.—Official assignee, Miller.—Sol. Smith, Cardigan. Fiat, March 1. Bankrupt's own petition.

HARDISTY William, of Wakefield, in the county of York, white-smith and ironmonger.—Official assignee, Young.—Sols. Fidley, Temple, and Brown, Wakefield. Fiat, March 5. Pet. Crs. James and John Holdsworth, of Wakefield, ironmongers.

HOLDFORTH David, of No. 14, Turnpike-row, Stratford, in the county of Essex, grocer and cheesemonger, general dealer, *d. c.*—Official assignee, Johnson.—Sol. Wright, Cook's-court, Carey-street. Fiat, March 7. Bankrupt's own petition.

KNOTT Alfred, late of Treyford, in the county of Sussex, miller, corn and coal merchant, but now of Brighton, in the county of Sussex, out of business.—Official assignee, Graham.—Sols. Messrs. Soles & Turner, Aldermanbury. Fiat, March 7. Bankrupt's own petition.

ROBERTS John, formerly of Liverpool, in the county of Lancaster, and afterwards of Bootle, near Liverpool aforesaid, in the same county, grocer and provision dealer, and more late and now of Liverpool aforesaid, dealer in potatoes and slates.—Official assignee, Cazenove.—Sols. Sharpe & Co. Bedford-row, and Moss, Liverpool. Fiat, March 5. Bankrupt's own petition.

TAYLOR Joshua, of Whittlesea, in the county of Cambridge, draper, *d. c.*—Official assignee, Green.—Sols. Messrs. Soles & Turner, Aldermanbury. Fiat, March 4. Pet. Crs. William Hitchcock, Richard Llewellyn, and Christopher Truman, of Wood-street, warehousemen.

#### CERTIFICATES to be allowed April 1.

Baines Thomas, of Bradford, worsted-spinner.  
Craven George, jun., of Wakefield and Rochdale, corn-miller, (partner with Henry Craven).  
Dotesio Charles, of Slough, hotel-keeper.  
Folger Lewis Henry, of High-street, Shoreditch, cabinet-maker, (partner with Alexander Robertson).  
Hill William, of Powis-street, Woolwich, builder.  
King Joseph Raymond, of Bath, druggist.  
Padbury Andrew, jun., of Epsom, grocer.  
Proctor Robert, of Hull, coach-proprietor, (partner with Amos Proctor).  
Quinn James, of Liverpool, painter.  
Ross Timothy, of Leicester, hosier, (partner with Sarah Ross).  
Strange Charles, and Robert Parsons, of Baglan, merchants.

#### DIVIDENDS.

Date of Fiat.  
1844, BARWICK James Frederick, of Old-street, St. Luke's, Middlesex, wheelwright; div.  
1844, BLUNDELL Francis, of New Sarum, Wiltshire, grocer and tea-dealer; div.  
1844, HALL John, of Wellington West Farm, in Wallsend, Northumberland, cowkeeper; div.  
1837, HARDIE Herbert, of Manchester, Lancashire, merchant and commission-agent (as surviving partner of James Hardie, deceased); final sep. div. of bankrupt, and final div. of bankrupt as surviving partner of James Hardie, deceased.  
1841, HERON James Holt, John Speir Holt, James Knight Heron, and Arthur Heron, of Manchester, and of Wigan, both in Lancashire, cotton-spinners, carrying on business in Manchester and in Wigan, under the firm of James Holt Heron & Sons; final div.  
1844, JACKSON Richard, and Richard Yale, of Leeds, Yorkshire, engineers, machine-makers, iron and brass founders, carrying on business at Leeds, under the style or firm of Fenton, Murray and Jackson; sep. div. of Jackson.  
1840, LIGHT Richard, of Hanley, in Stoke-upon-Trent, Staffordshire, grocer and provision dealer; final div.  
1844, MAYNARD James, of Panton-street, Haymarket, Middlesex, bookseller; div.  
1844, PARSONS Samuel, of Manchester, Lancashire, paper-hanger; div.  
1841, POTTER George, Samuel Potter, and John Krauss, of Manchester, Lancashire, and of Birkacre, near Chorley, Lancashire, calico-printers, and trading at Manchester and Birkacre aforesaid, under the firm of George and Samuel Potter; first div.  
1844, REES William, and George Edwards, both of Wells, Somersetshire, gardeners, nursery and seedsmen; joint div., and sep. div. of Edwards.  
1837, SHEPPARD Edward, the elder, and Edward Sheppard, the younger, of Uley, Gloucestershire, clothiers; sep. div. of Sheppard, sen.  
1841, STEVENS John, and Robert Horatio William Drummond, of Rhodeswell Wharf, Mile-end, Middlesex, road-contractors and carmen; fur. joint div.  
1845, STUTCHBURY Henry Rome, of No. 47, Theobald's-road, Bedford-row, Middlesex, bookseller and dealer in curiosities; div.

## Date of Fiat.

- 1844, **TABBERNER** John Loude, of Birmingham, Warwickshire, auctioneer and corn-merchant, lately carrying on business as a corn-factor with Thomas Tabberner; div.
- 1844, **TABBERNER** Thomas, of Birmingham, Warwickshire, corn-factor and hop-merchant; joint div.
- 1844, **TRISTRAM** Job, of Two Mile Houses, in Basford, Nottinghamshire, beer-house keeper; final div.
- 1843, **TURNER** William Henry, and Thomas Blucher Turner, trading under the style or firm of William and Thomas Turner, at Blackburn, Lancashire, as cotton-spinners and manufacturers; fur. div.
- 1837, **WILSON** James the elder, William Newton, James Wilson the younger, Henry Newton, and George Wilson, of Derby, colour-manufacturers; final div. of Henry Newton.
- 1843, **WITHELL** Thomas, and William Withell, of Padstow, Cornwall, ship-builders; sep. div. of T. Withell, and joint div.

## Gazette, Friday, March 14.

## BANKRUPTS.

## BANKRUPTCY SUPERSEDED.

**MAKEPEACE** Samuel, of Mitcham, silk-printer.

## TOWN AND COUNTRY FIATS.

**BOTCHERBY** John, late of Darlington, in the county of Durham, coal-owner, *d. c.*—Official assignee, Wakley.—Sols. Leeman & Clark, York, Donkin & Co. Newcastle, and Tyas, Beaufort-buildings. Fiat, Feb. 17. Pet. Cr. George Townsend Andrews, of York, architect, on behalf of the Durham County Coal Company.

**COLE** Frederick Lindsay, of No. 101, Fenchurch-street, in the city of London, wine-merchant, *d. c.*—Official assignee, Whitmore.—Sol. Goddard, Wood-street. Fiat, Oct. 24. Bankrupt's own petition.

**DIX** Thomas, of Liverpool, in the county of Lancaster, shoe-dealer.—Official assignee, Morgan.—Sols. Chester & Co. Staple Inn, and Hodgson, Liverpool. Fiat, March 7. Bankrupt's own petition.

**DEBNEY** William, of Mistley, in the county of Essex, victualler, cattle-dealer, *d. c.*—Official assignee, Edwards.—Sols. Wire & Child, St. Swithin's-lane, and Barnes, Colchester. Fiat, March 6. Pet. Cr. Joseph Pertwee, of Mistley, farmer.

**GREEN** John, of No. 51, Pall-mall, and of No. 99, Sloane-street, both in the county of Middlesex, wine-merchant, *d. c.*—Official assignee, Alsager.—Sols. Baxendale & Co. Great Winchester-street. Fiat, March 4. Pet. Cr. George Hathorn, of Brunswick-square, gent.

**HOWARD** Thomas Nelson Deaton, formerly of Fenchurch-street, in the city of London, glover, and late of No. 13, Bankshall-street, Calcutta, in the presidency of Bengal, in the East Indies, merchant and broker, *d. c.*, and now lodging at the Adelaide Hotel, London-bridge, in the city of London.—Official assignee, Whitmore.—Sols. Buchanan & Grainger, Basinghall-street. Fiat, March 8. Bankrupt's own petition.

**HURD** Samuel, of No. 153, High-street, Rochester, in the county of Kent, dealer in china, glass, and earthenware, and hardwareman.—Official assignee, Green.—Sol. Smith, Wilmington-square. Fiat, March 7. Bankrupt's own petition.

**KEWLEY** James, of Liverpool, in the county of Lancaster, tailor and draper, *d. c.*—Official assignee, Cazenove.—Sols. Cornthwaite & Adams, Old Jewry, and Pemberton, Liverpool. Fiat, March 11. Bankrupt's own petition.

**LANE** John, of the Hope and Anchor Inn, Redcliff-hill, in the parish of St. Mary, Redcliff, in the city of Bristol, licensed victualler.—Official assignee, Acraman.—Sols. Gillard & Flook, Bristol. Fiat, March 10. Bankrupt's own petition.

**LANE** Theophilus, of the city of Hereford, coal-merchant, scrivener, *d. c.*—Official assignee, Bittleston.—Sols. Lanwarne, Hereford, and Suckling, Birmingham. Fiat, March 7. Pet. Cr. Nicholas Lanwarne, of Hereford, gent.

**MARSHALL** Samuel, of the town or borough of Kingston-upon-Hull, builder, *d. c.*—Official assignee, Young.—Sols. Penning & Westmacott, John-street, Bedford-row, England & Shuckles, Hull, and Bulmer, Leeds. Fiat, Feb. 26. Pet. Cr. John Wade and Abraham Wade, of Hull, timber-merchants.

**MEEK** William, of the town and county of the town of Southampton, ironmonger, *d. c.*—Official assignee, Turquand.—Sols. Bircham & Dalrymple, Bedford-row. Fiat, March 11. Bankrupt's own petition.

**MILLS** William Henry, of Mark-lane, in the city of London, wine and spirit merchant and wine-cooper, *d. c.*—Official assignee, Pannell.—Sols. Hughes & Co. Bucklersbury, Fiat, March 12. Pet. Cr. William Clark and Joseph Coulthard, of Great Tower-street, bottle-merchants.

**PAINTER** Mary Conway, of No. 102, Great Peter-street, Westminster, in the county of Middlesex, grocer and tea-dealer.—Official assignee, Alsager.—Sol. Hildyard, Furnival's Inn. Fiat, March 12. Pet. Cr. Francis William Painter, of the Broadway, Westminster, gent.

**ROWE** John Strudwick, of Newcastle-under-Lyne, in the county of Stafford, draper, *d. c.*—Official assignee, Christie.—Sols. Sales & Turner, London, and Suckling, Birmingham. Fiat, March 11. Pet. Cr. Edwin Cuthbert, David Wotherspoon, and John Wotherspoon, of Cheapside, furriers.

**SMITH** John, of Rugeley, in the county of Stafford, money-scrivener, *d. c.*—Official assignee, Valpy.—Sols. Bennett & Thorpe, Wolverhampton. Fiat, Sept. 14. Pet. Cr. Henry Hill, of Wolverhampton, esq., manager and one of the registered public officers of the Wolverhampton and Staffordshire Banking Company.

**THOMPSON** Julius, late of Frimley-hill, near Bagshot, in the county of Surrey, and still carrying on business at Wigmore-street, Cavendish-square, in the county of Middlesex, cheesemonger, *d. c.*—Official assignee, Graham.—Sol. Gauntlett, Gray's Inn-place. Fiat, March 5. Pet. Cr. George Penson, of Newgate-street, cheesemonger.

**WAGNER** George, of No. 41, Bloomsbury-square, in the parish of St. George, Bloomsbury, in the county of Middlesex, *d. c.*—Official assignee, Belcher.—Sols. Turner & Hensman, Basing-lane. Fiat, March 10. Bankrupt's own petition.

## CERTIFICATES to be allowed April 4.

Argent Isaac, of Fleet-street, victualler.  
Colville John, and Hugh Colville, of Liverpool, merchants.  
Giles George Frederick, of Bedford-street, carver.  
Jones William, of Usk, linen-draper.  
Kinsey Evan, of Newtown, innkeeper.  
Larke James Bensley, of East Harling, draper and general shop-keeper.  
Lutwyche William, of Birmingham, brass-founder.  
Perkins Briseis, and Sarah Wooley, of Stamford, drapers.  
Sedman John, of Queen-street, colour-merchant.

## DIVIDENDS.

## Date of Fiat.

- 1842, **OGLAN** Henry, late of Holywell-street, Shoreditch, Middlesex, victualler; div.
- 1844, **ROGERS** Watkin, of Newport, Monmouthshire, draper; *d. c.*
- 1844, **TREVITT** John, of Wheaton Aston, in Lapsley, Staffordshire, butcher; final div.

## Gazette, Tuesday, March 18.

## BANKRUPTS.

## BANKRUPTCY SUPERSEDED.

**HENDERSON** William, and James Henry Veysey, of St. George, Gloucestershire, manufacturing chemist.

## TOWN AND COUNTRY FIATS.

**BROWN** Richard, of the town of Kingston-upon-Hull, in the county of the same town, joiner and builder.—Official assignee, Hope.—Sols. Hicks & Marris, Gray's Inn, Messrs. Galloway & Bell, Hull, and Payne & Co. Leeds. Fiat, March 18. Pet. Cr. Richard Richardson, of Hull, plumber.

CLEGG Thomas, late of Tanner's-hill, Deptford, in the county of Kent, and formerly of Leeds, in the county of York, coal-merchant, master-mariner, *d. c.*—Official assignee, Follett.—Sol. Jones, Mincing-lane. Fiat, March 15. Pet. Cr. James Tupman, of Spalding, Lincolnshire, master-mariner and ship-owner.

DANIEL William, of Manchester, in the county of Lancaster, cabinet-maker, *d. c.*—Official assignee, Pott.—Sols. Soles & Turner, Aldermanbury, and Atkinson & Saunders, Manchester. Fiat, March 11. Pet. Cr. William Smee, of Finsbury-pavement, upholsterer.

GRANGER William, of Relly Mill, in the county of Durham, paper-manufacturer, *d. c.*—Official assignee, Baker.—Sols. Harle, Newcastle, Smith, Durham, and Chisholme & Co. Lincoln's Inn-fields. Fiat, March 12. Bankrupt's own petition.

HESTER Henry, late of No. 1, Ratcliffe-terrace, Goswell-road, in the county of Middlesex, tallow-chandler, *d. c.*—Official assignee, Green.—Sols. Young & Co. St. Mildred's-court. Fiat, March 10. Pet. Cr. John Mullett, of Austin-friars-passage, merchant.

HOPE Charles Douglas, of No. 12, Greenhill-terrace, Chorlton-upon-Medlock, and of No. 51, King-street, both in Manchester, in the county of Lancaster, British and foreign broker, previously of Cross-street, Manchester aforesaid, wine-merchant, *d. c.*—Official assignee, Hobson.—Sols. Cornthwaite & Adams, Old Jewry Chambers, and Moseley, Manchester. Fiat, March 4. Bankrupt's own petition.

HULLEY William, of Bakewell, in the county of Derby, tailor, *d. c.*—Official assignee, Fraser.—Sols. Tattersall, Great James-street, Broadbent, Sheffield, and Todd, Manchester. Fiat, March 11. Pet. Cr. Joshua Hoyle, of Holmfirth, Yorkshire, clothier.

IBBOTSON William, of Sheffield, in the county of York, merchant, *d. c.*—Official assignee, Freeman.—Sols. Moss, Cloak-lane, and Branson, Sheffield. Fiat, March 11. Pet. Cr. Isaac Broadhurst, of Sheffield, cooper.

O'ROOKE Thomas, and William Birks, of Print-street, Manchester, in the county of Lancaster, commission-agents, *d. c.* and copartners in trade—Official assignee, Stanway.—Sols. Chilton & Acland, Chancery-lane, Slany, Birmingham, and Foster, Manchester. Fiat, March 5. Pet. Cr. Mary Rodgers, of Chiswell-street, Middlesex, widow, executrix of John Henry Rodgers, late of Birmingham, brace-maker, deceased.

PRICE John, of Oaken Gates, in the county of Salop, draper.—Official assignee, Whitmore.—Sols. Garbett, Wellington, and Harrison & Smith, Birmingham. Fiat, March 11. Bankrupt's own petition.

SHARMAN Frederick, of No. 21, West-square, Southwark, in the county of Surrey, lately carrying on business at No. 2, Barge-yard, Bucklersbury, and also at No. 37, Gracechurch-street, in the city of London, boot and shoe maker, *d. c.*—Official assignee, Edwards.—Sol. King, St. Mary Axe. Fiat, March 17. Bankrupt's own petition.

STOCKS George William, of the city of Norwich, linen-draper, *d. c.*—Official assignee, Bell.—Sols. Clowes & Co. Temple. Fiat, Feb. 19. Pet. Crs. Thomas and William Devas, of Lawrence-lane, warehousemen.

VILLIAMS William, of No. 16, High-street, Saint Giles, in the county of Middlesex, victualler.—Official assignee, Follett.—Sol. Futvoye, John-street, Bedford-row. Fiat, March 8. Pet. Crs. William Huggins, Henry Broadwood, Robert Champneys Mundell, Edward Huggins, and Thomas Capel Broadwood, of Broad-street, Golden-square, brewers.

'OODGATE Henry, of Kinson, otherwise Kingston, in the parish of Great Canford, in the county of Dorset, horse-dealer, butcher, *d. c.*—Official assignee, Hirtzel.—Sols. Parr & Co. Poole, Holme & Co. New Inn, and Messrs. Warren, Exeter. Fiat, March 12. Pet. Cr. Henry Brown Cookman, jun., of Poole, builder.

#### CERTIFICATES to be allowed April 8.

ockley Richard, of Crewe, linen-draper.  
eigh Benjamin, of Newcastle, cartwright, (partner with Thomas Russell Creigh).

ckson William, of Charlotte-street, Fitzroy-square, paper-banger.

ugens Peter Joseph, of Dunster-court, broker.

ardson William, of Newcastle-upon-Tyne, painter.

st Edward, of Hillborough, miller.

rd Ann, of Liverpool, victualler.

rd James, of Manchester, engineer.

#### DIVIDENDS.

##### Date of Fiat.

- 1835, DANIEL Thomas, formerly of Trelissick, Cornwall, afterwards of Bath, since of Michaelchurch-court, Hereford, and now residing at Boulogne, in France, copper-smelter; fur. div.
- 1841, DUDLEY Frederick, of Rochford, Essex, builder; div.
- 1836, FRANCIS Goodman, and Thomas Francis, the younger, of Cambridge, corn and coal merchants; final div.
- 1842, GALE James, the elder, and James Gale, the younger, of Love-lane, Shadwell, Middlesex, rope-makers, paint and colour manufacturers, trading under the firm of James Gale & Son; div.
- 1844, JOHNSON Thomas, the elder, William Johnson, and Charles Mann, of Romford, Essex, bankers; joint div., and final sep. div. of Mann.
- 1814, KEARSLEY Thomas, and Thomas Watt, of Runcorn, Cheshire, bone-merchants; joint and sep. diva.
- 1838, LORDE John, and Nathaniel Hadley, now or late of High-street, Herne Bay, Kent, builders, bricklayers and carpenters, under the name, style or firm of Lorde, Hadley & Co. at Herne Bay aforesaid; joint div., and sep. div. of Hadley.
- 1844, MARSHALL Robert, of No. 6, Pleasant-row, High-street, Deptford, and of Upper-road, Deptford, Kent, stone-mason; div.
- 1845, POUNTAIN Benjamin, of Derby, wine-merchant; div.
- 1844, RUDGE George Bickerton, and Arthur Jeffery Rudge, of Gloucester-street, Curtain-road, Shoreditch, Middlesex, japan leather manufacturers; sep. div. of George Bickerton Rudge.
- 1842, STANWAY George, of Stoke-upon-Trent, Staffordshire, confectioner, grocer, and general provision dealer; div.
- 1844, WHITE George Edward, of Minster-street, Reading, Berkshire, tailor; div.

#### Gazette, Tuesday, March 21.

#### BANKRUPTS.

##### TOWN AND COUNTRY FIATS.

CARTER George John, of Hornsey Cottage, Hornsey-road, in the county of Middlesex, carpenter and builder.—Official assignee, Belcher.—Sol. Chambers, Basinghall-street. Fiat, March 19. Bankrupt's own petition.

FERGUSON William, of Liverpool, in the county of Lancaster, draper and tea-dealer.—Official assignee, Turner.—Sols. Wilkin, Furnival's Inn, and Wardle, Liverpool. Fiat, March 11. Bankrupt's own petition.

FULLJAMES Alfred Vincent, of No. 21, Bridewell-lane, in the city and borough of Bath, in the county of Somerset, auctioneer, appraiser, estate, house, and general agent, broker, *d. c.*—Official assignee, Kynaston.—Sol. Gray, Bristol. Fiat, March 15. Bankrupt's own petition.

GROUND Philip, late of Donnington, in the county of Lincoln, tallow-chandler.—Official assignee, Bell.—Sols. James & Son, Fly-place. Fiat, March 11. Pet. Crs. Charles James Jones, William Jones, Thomas Jones, and Thomas Jones, jun., of Leadenhall-buildings, merchants.

HONE William, of No. 4, King-street, Reading, in the county of Berks, coach-proprietor and porter merchant.—Official assignee, Whitmore.—Sol. Webb, Lad-lane. Fiat, March 19. Bankrupt's own petition.

LORIERE Baron Verneuil de Beaulieu, otherwise called the Baron Verneuil de Beaulieu, late of Holly Bush-place, Bethnal-green, in the county of Middlesex, but now of Regent's-terrace, Commercial-road East, in the said county of Middlesex, soap-manufacturer, *d. c.*—Official assignee, Johnson.—Sols. Barron & Cullen, Bloomsbury-square. Fiat, March 5. Pet. Crs. Henry Cullen Carter, John Carter, and John Nathaniel Carter, of High-street, Poplar, cabinet-makers.

MACHU James Lewis, of Macclesfield, in the county of Chester, silk trimming manufacturer, *d. c.*—Official assignee, Groom.—Sol. Cox, Pinners' Hall. Fiat, March 10. Pet. Cr. William Scott, of Great Winchester-street, silk-dealer.

MILWARD Thomas, late of the parish of Epperstone, in the county of Nottingham, miller, but now of the town of Nottingham.—Official assignee, Valpy.—Sols. Shilton & Son, Nottingham. Fiat, March 7. Pet. Cr. John Severn, of Nottingham, gent.





## DIVIDENDS.

## Date of Fiat.

- 1844, ALLINSON Richard, of Whitehaven, Cumberland, iron-monger; final div.
- 1834, ISAAC Isaac Joseph Benjamin, late of Topsham, Devonshire, ship-owner; final div.
- 1840, NORBURY Joseph, of Macclesfield, Cheshire, innkeeper; fur. div.
- 1844, WATKINS Hugh Daniel, and James Innes, of Manchester, Lancashire, lead-merchants; joint and sep. divs.
- 1841, WISE Ayshford, of Ford House, in Wolborough, Devonshire, Nicholas Baker, of Newton Bushell, in Highwick, Devonshire, and William Searle Bental, of Totnes, Devonshire, bankers, and carrying on the business of bankers at Newton Abbott, Devonshire, under the firm of Wise, Farwell, Baker and Bental; fur. div.
- 1841, WYSE Ayshford, of Ford House, in Wolborough, Devonshire, William Searle Bental, of Totnes, and Robert Farwell, of Totnes, bankers and money-scriveners, carrying on business and trading at Totnes aforesaid, under the style or firm of Messrs. Wise, Farwell, Baker and Bental; fur. div.

## Gazette, Friday, March 28.

## BANKRUPTS.

## BANKRUPTCY SUPERSEDED.

BOULTER Thomas, of Cromer, innkeeper.

## TOWN AND COUNTRY FIATS.

- JARDNER George, of Gravesend, in the county of Kent, tavern-keeper, *d. c.*—Official assignee, Groom.—Sols. Tilson & Co. Coleman-street. Fiat, March 18. Bankrupt's own petition.
- JOHNSTON Laing, of Hammersmith, in the county of Middlesex, wine-merchant, and of Hounslow, in the said county, victualler, *d. c.*—Official assignee, Whitmore.—Sol. Lonsdale, Temple Chambers. Fiat, March 26. Bankrupt's own petition.
- JAY Elijah, of No. 34, Aldgate High-street, in the city of London, draper, *d. c.*—Official assignee, Green.—Sols. Mardon & Prichard, Newgate-street. Fiat, March 26. Pet. Crs. Bernard Smith, John Hanson, Joseph Smith, and William Stephens, of St. Martin's-le-Grand, warehousemen.
- JORTON Daniel, late of No. 110, Lower Thames-street, in the city of London, fishmonger, *d. c.*, but now of No. 18, Eastcheap, in the same city.—Official assignee, Pennell.—Sol. Bell, Austin-friars. Fiat, March 25. Bankrupt's own petition.
- HILLIPS John, of Pinner's-court, Old Broad-street, in the city of London, and of No. 5, Brunswick-terrace, Park-road, New Peckham, in the county of Surrey, tailor, *d. c.*—Official assignee, Bell.—Sol. Cox, Pinner's Hall. Fiat, March 25. Bankrupt's own petition.
- OODHEAD Jonas, and Daniel Woodhead, both of Netherthong, near Huddersfield, in the county of York, woollen-cloth manufacturers and dyers, *d. c.* and copartners.—Official assignee, Fearn.—Sols. Reed & Shaw, Friday-street, Sale & Worthington, Manchester, and Richardsons, Leeds. Fiat, March 26. Pet. Cr. Thomas Houghland, of Manchester, accountant.

## CERTIFICATES to be allowed April 18.

- idstone Caroline, of Cambridge, milliner.
- ach Samuel, of Nottingham, grocer.
- grum John, of North Brixton, carpenter.
- lance William, of Liverpool, merchant.
- utkins James, of Exmouth-street, draper.
- ite Charles, of Jewry-street, builder, (partner with John Walker).

## DIVIDENDS.

- of Fiat.
- 4, BEARD Neville, of Beech-street, Barbican, in the city of London, and also of No. 18, Charlton-street, Somers-town, Middlesex, leather-seller; fur. div.
- 4, DOTESIO Charles, of the Royal Hotel, Slough, Buckinghamshire, hotel-keeper and victualler; div.
- 9, HARVEY George, of Handsacre, Staffordshire, spirit and cider merchant; final div.

4.—BANKR. 1845.

## Date of Fiat.

- 1820, JARMAIN Thomas, of Bristol, money-scrivener and wine-merchant; div.
- 1834, NICKS John, of Warwick, carpenter and builder; div.
- 1844, NORMAN Benjamin, and Edwin Buckman, of Cheltenham, Gloucestershire, ironmongers; joint div., and sep. div. of Norman.
- 1839, SHUTTLEWORTH Henry, of Market Harborough, Leicestershire, and of the Light Poole Mills, in Rodburgh and King's Stanley, Gloucestershire, pin-manufacturer, carrying on business at Crown-court, Cheapside, London, under the firm of D. F. Taylor & Co.; div.
- 1845, SMITH William, and Robert Smith, of Bow-lane, London, and of Aberdeen, warehousemen and dealers in linen thread; joint and sep. divs.
- 1844, WYRILL William, of Bradford, Yorkshire, ironmonger; first div.

## Gazette, Tuesday, April 1.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

- BRECKELS John, of No. 2, North-street, Finsbury-market, Finsbury, in the county of Middlesex, bedstead-maker, *d. c.*—Official assignee, Belcher.—Sol. Taylor, North-buildings, Finsbury-circus. Fiat, March 29. Bankrupt's own petition.
- CANN Robert, of No. 6, Brewer-street, Woolwich, Kent, boot and shoe maker, *d. c.*—Official assignee, Turquand.—Sol. Biggendon, Walbrook. Fiat, March 25. Bankrupt's own petition.
- HICK John Atkinson, of Leeds, in the county of York, carver and gilder, *d. c.*—Official assignee, Hope.—Sols. Hawkins & Co. New Boswell-court, and Horsfall & Harrison, Leeds. Fiat, March 25. Bankrupt's own petition.
- LAGOE William Harrington, of Atherstone, in the county of Warwick, victualler.—Official assignee, Valpy.—Sols. Harrison & Smith, Birmingham. Fiat, March 25. Bankrupt's own petition.
- NORTH Joseph, of High Town, in the parish of Birstall, in the county of York, blanket-manufacturer, *d. c.*—Official assignee, Young.—Sol. Chadwick, Dewsbury, and Bond, Leeds. Fiat, March 25. Bankrupt's own petition.
- RADCLIFFE Augustus, the elder, and Augustus Radcliffe, the younger, both of No. 61, Hermitage-place, St. John-street-road, in the county of Middlesex, patent glaziers and artists' diamond manufacturers, *d. c.*—Official assignee, Graham.—Sols. M'Leod & Stenning, London-street, Fenchurch-street. Fiat, March 18. Pet. Cr. James Christie, Glasgow, of the Dumbarton Glass Works Company, and being the only person interested in that company.
- REAY John, and John Robert Reay, of Mark-lane, in the city of London, wine-merchants, *d. c.* and copartners, trading under the firm of John Reay, senior & Co.—Sols. Trehern & White, Barge-yard Chambers, Bucklersbury. Fiat, March 27. Pet. Crs. William Morris, Richard Sanderson, and Richard Summere Gard, of King William-street, bill-brokers.
- SCHAFER John, of No. 16, Clark's place, High-street, Islington, in the county of Middlesex, fringeman, *d. c.*—Official assignee, Johnson.—Sol. Humphreys, Newgate-street. Fiat, March 24. Pet. Cr. James Martin, of Gutter-lane, warehouseman.
- WHITTAKER John, of the Strand, in the town of Swansea, in the county of Glamorgan, druggist and commission-agent.—Official assignee, Miller.—Sol. David, Swansea. Fiat, March 18. Pet. Cr. Mary Whittaker, of Swansea, widow.
- WILLIAMS Thomas Holyland, of Chelmsford, in the county of Essex, wine-merchant.—Official assignee, Edwards.—Sol. Shirreff, Lincoln's Inn-fields. Fiat, March 25. Pet. Cr. Edward George Cuff, of No. 41, Crutched-friars, wine-merchant.

## CERTIFICATES to be allowed April 22.

- Foothead Henry Hugh, of Fore-street, wholesale milliner.
- Jackson George, jun., of Hertford, upholsterer.
- Schott John George, and John Casper Lavater, of Manchester and Aldermanbury Postern, merchants.
- Tydemann William, of Chelmsford, timber-merchant.

## DIVIDENDS.

Date of Fiat.

- 1844, BELLENGER Hippolite Francis, of No. 10, Great Pulteney-street, Golden-square, Middlesex, but late of the Spread Eagle public house, No. 303, Oxford-street, said county, licensed victualler; div.
- 1842, BUNDEY Henry, of No. 7, Upper York-place, Portland-town, St. Marylebone, Middlesex, builder; div.
- 1842, CORNISH Thomas, of No. 47, Great Marlborough-street, St. James's, Westminster, wine-merchant; final div.
- 1844, CROSS William, of Chester, lead-merchant and distiller; div.
- 1843, DONNELLY John, late of Newry, Armagh, Ireland, but at present at Liverpool, Lancashire, merchant; div.
- 1842, HERDMAN John, and Edward Herdman, the younger, of Havana Mills, Congleton, Cheshire, millers and corn and flour dealers; div.
- 1844, MULLER Frederick John Henry, now or late of Nos. 6 and 7, Addle-street, Wood-street, London, furrier; div.
- 1844, PEARCE Thomas, of No. 239, Bermondsey-street, in Bermondsey, Southwark, Surrey, tripeman; div.
- 1831, RULE Edward, and Alfred Rule, of Leadenhall-street, London, ship-owners and insurance brokers; div.
- 1844, SHERWOOD Thomas, of Tilehurst, near Reading, Berkshire, brick-maker, lime-burner, and farmer; fur. div.
- 1802, SWAINSON Richard, and John Gardner, of Liverpool, Lancashire, grocers; div.
- 1834, THOMPSON William Christian, late of Liverpool, Lancashire, merchant; div.
- 1845, WHITLOW John, of Manchester, Lancashire, laceman; first div.

Gazette, Friday, April 4.

## BANKRUPTS.

BANKRUPTCY SUPERSEDED.

FIELDING William, of Taunton, near Ashton-under-Lyne, hat-plush and silk manufacturer.

TOWN AND COUNTRY FIATS.

- BIDDER Samuel Parker, of Fleetwood on Wyre, in the county of Lancaster, slate and coal dealer, civil engineer, *d. c.*—Official assignee, Turner.—Sols. Bridger & Blake, London-wall, and Dodge, Liverpool. Fiat, March 25. Bankrupt's own petition.
- CURRIE John, and Louis Elize Seignette, of No. 26, Mincing-lane, in the city of London, merchants, *d. c.* and copartners.—Official assignee, Pennell.—Sols. Trehern & White, Barge-yard Chambers. Fiat, March 29. Bankrupt's own petition.
- COTTEREL James Knight, of Glastonbury, in the county of Somerset, grocer.—Official assignee, Kynaston.—Sols. Nash & Rooke, Glastonbury. Fiat, March 25. Pet. Cr. James John Roche, of Glastonbury, gent.
- DAY Charles, late of No. 1, Buckingham-street, Fitzroy-square, in the county of Middlesex, chemist and druggist, *d. c.*, but now of No. 35, Acton-street, Gray's Inn-road, in the said county, out of business.—Official assignee, Bell.—Sols. Pain & Hatherly, Basinghall-street. Fiat, March 29. Bankrupt's own petition.
- DINGLEY Thomas, of No. 2, Strutton-ground, Westminster, in the county of Middlesex, draper and hosiery, *d. c.*—Official assignee, Alsager.—Sols. Dean & Co. St. Swithin's-lane. Fiat, March 26. Bankrupt's own petition.
- GILES William, of the Marine Mansion, Marine-parade, Brighton, in the county of Sussex, boarding-house keeper, *d. c.*—Official assignee, Johnson.—Sol. Sanford, John-street, Adelphi. Fiat, March 29. Bankrupt's own petition.
- HARTSHORN Henry, of Shrewsbury, in the county of Salop, plumber, glazier, and licensed victualler, *d. c.*—Official assignee, Whitmore.—Sols. Parker, New Boswell-court, and Powell, Birmingham. Fiat, March 25. Bankrupt's own petition.
- LAMPARD John, of No. 9, Stanhope-street, Clare-market, in the county of Middlesex, printer, publisher, *d. c.*, carrying on business in copartnership with Richard Egan Lee, of the same place, as printers and publishers, under the firm of Lampard & Lee, as a

trader indebted with the said Richard Egan Lee.—Official assignee, Edwards.—Sols. Vandercom & Co. Bush-lane. Fiat, March 27. Pet. Crs. James Barry and George Hayward, of Queenshill, stationers.

PAULTON John, of No. 2, High-street, Portland-town, in the county of Middlesex, marble and stone mason, *d. c.*—Official assignee, Whitmore.—Sol. Letts, Bartlett's-buildings. Fiat, April 1. Pet. Cr. Thomas Robson, of Abingdon-street, Westminster, marble-merchant.

SIMPSON Alexander Horatio, of Blackfriars-road, in the county of Surrey, engineer, *d. c.*, trading under the styles or firms of Simpson, Irwin & Co. and of Alexander Simpson & Co.—Official assignee, Follett.—Sol. Michael, Red Lion-square. Fiat, April 1. Pet. Crs. Charles Farmer, of Market-street, Paddington, ironmonger, and Richard Palmer, of Bartholomew-close, builder.

WARD Richard George, and John Perry, of No. 14, Newgate-market, in the city of London, meat salesmen, *d. c.* and copartners in trade, and also of No. 45, Gilbert-street, Oxford-street, in the county of Middlesex, butchers and copartners, *d. c.*—Official assignee, Follett.—Sol. Young, Warwick-square. Fiat, April 3. Pet. Crs. Henry, Richard, and Charles Hicks, of Newgate-street, meat-salesmen.

CERTIFICATES to be allowed April 25.

Barwick James Frederick, of Old-street, wheelwright.  
Bridson Arthur, of Clare-street, cheesemonger.  
Charnock John Henry, of Wakefield, share-broker.  
Detmer William, of Upper Marylebone-street, pianoforte manufacturer.  
Harwar Joseph, of Charlotte-street, Bloomsbury, pianoforte manufacturer.  
Smith William, and Robert Smith, of Bow-lane and Aberdeen, warehousemen.  
Stutchbury Henry Rome, of Theobald's-road, dealer in curiosities.

## DIVIDENDS.

Date of Fiat.

- 1844, BERRIDGE Thomas, of Manchester, Lancashire, tobacconist; fur. div.
- 1843, BOHN James, of No. 12, King William-street, St. Martin's in the Fields, Middlesex, bookseller; fur. div.
- 1826, COLEMAN Thomas, John Morris, John Beebie Morris, and Thomas Morris, of Leominster, Herefordshire, bankers; final div.
- 1843, CRISP Joseph, of Liverpool, Lancashire, and Liskeard, Cheshire, auctioneer, appraiser and general agent; div.
- 1836, EVANS Charles, of Manchester, Lancashire, banker; div.
- 1845, GREENWOOD Richard, of Bradford, Yorkshire, bookseller and stationer; div.
- 1836, HILL Thomas, late of Uppingham, Rutlandshire, woollapster; final div.
- 1843, LEWIS Henry, of Greville-place, Haverfordwest, cabinet-maker, upholsterer and auctioneer; final div.
- 1843, NASH John Thomas, and John Tomlinson, the younger, both of York, mustard-manufacturers and wholesale druggists; fur. div.
- 1844, STACEY Frederick Both, and William Stacey, of Lawrence-lane, Cheapside, London, warehousemen, trading under the firm of Stacey, Brothers; div.

Gazette, Tuesday, April 8.

## BANKRUPTS.

BANKRUPTCY SUPERSEDED.

BOWRING Edward, of Lawrence-lane, Cheapside, merchant and silk-shag manufacturer.

TOWN AND COUNTRY FIATS.

- HOLLINGSWORTH John, of Paddington-street, in the parish of St. Marylebone, in the county of Middlesex, butcher, *d. c.*—Official assignee, Turquand.—Sol. Goren, South Mutton-street. Fiat, April 4. Bankrupt's own petition.
- KILFORD Thomas, of Blechyn-den-street, Commercial-road, and Hill-street, Four-posts, but now of Bridge-street, all in the town and county of the town of Southampton, cabinet-maker and up-

holsterer, *d. c.*—Official assignee, Graham.—Sols. Dolman, Clifford's Inn, and Wright, London-street, Fenchurch-street. Fiat, March 31. Pet. Cr. John Ayres Moore and John Mason, of Paul-street, Finsbury, cabinet-manufacturers.

LAMBERT John, of the Old Black Jack Tavern, Portsmouth-street, Lincoln's Inn-fields, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Alsager.—Sol. King, St. Mary Axe. Fiat, April 5. Bankrupt's own petition.

M'KNOTT Elizabeth, and James Glass, of Ordnance Wharf, Belvidere-road, Lambeth, and of Blackfriars-road, in the county of Surrey, coal-merchants and copartners, trading under the firm of M'Knott & Glass.—Official assignee, Graham.—Sols. Freeman & Co. Coleman-street. Fiat, April 7. Bankrupt's own petition.

ROBINSON Edward Edwards, of Wolverhampton, in the county of Stafford, grocer.—Official assignee, Bittleston.—Sols. Capes & Stuart, Gray's Inn, and Robinson, Wolverhampton. Fiat, March 18. Pet. Cr. Thomas and Samuel Jones, of Wolverhampton, pork merchants.

SHEFFORD John, of Widmore Farm, in the county of Kent, and lately carrying on business in High-street, Camberwell, in the county of Surrey, as a hay and corn merchant, *d. c.*—Official assignee, Green.—Sol. King, St. Mary Axe. Fiat, April 5. Bankrupt's own petition.

SMITH Edward, of No. 30, South Molton-street, and No. 294, Oxford-street, both in the county of Middlesex, cheesemonger and butterman.—Official assignee, Johnson.—Sols. Pain & Hatherly, Basinghall-street and Great Marlborough-street. Fiat, April 4. Pet. Cr. Edward Pain and John Hatherly, of No. 5, Great Marlborough-street, gentls.

SMITH John, of Barnoldswick, in the West Riding of the county of York, cotton-manufacturer, *d. c.*—Official assignee, Young.—Sols. Wiglesworth & Co. Gray's Inn, Barr & Co. Leeds, and Hartley and Heath, Settle. Fiat, March 24. Pet. Cr. William Clayton, Edward Clayton, and George Robert Clayton, of Giggleswick, Yorkshire, cotton-manufacturers.

STUART Thomas Strutt the younger, of Liverpool, in the county of Lancaster, drysalter, *d. c.*—Official assignee, Bird.—Sols. Gregory & Co. Bedford-row, and Green, Liverpool. Fiat, March 25. Bankrupt's own petition.

WRIGHT Francis, of Earl's Colne, in the county of Essex, builder.—Official assignee, Whitmore.—Sols. Bell, Bedford-row, and Mayhew, Coggeshall. Fiat, March 31. Pet. Cr. Henry Wendon, of Earl's Colne, Essex, butcher.

#### CERTIFICATES to be allowed April 29.

Bartlett George, of Wellington-street, Goswell-street, plaster ornament manufacturer.

Blinkhorn William, of Little Bolton, manufacturing chemist.

Clark John, of the City-road, carman.

Curwen John, of Bridge-place, Vauxhall, cheesemonger.

Francis Absolom, William Davey, and Matthew Francis, of Bagillt, iron-founders.

Anham George Edward, of Southampton, builder.

Foyes William, and Thomas Moring, of Camomile-street, carmen.

Fehner Henry, of Leicester-square, tailor.

#### DIVIDENDS.

ate of Fiat.

343, CARTWRIGHT Thomas, of Heaton Norris, Lancashire, banker; first div.

42, DAVIES John, and Henry Edwards, of Westminster-road, Lambeth, Surrey, linen-draper; div.

44, FIELDING George, of Thame, Oxfordshire, ironmonger; div.

44, GOULD William Ellis, of Finsbury-place South, London, carver and glider; div.

09, HAWKSLEY John, of Arnold, Nottinghamshire, merchant; div.

43, HERRIDGE Thomas, of Upper Wharton-street, Clerkenwell, Middlesex, builder; div.

44, HOOK Joseph, of Nine Elms, and of the Wandsworth-road, Surrey, contractor and brick-merchant; div.

15, HOWELL William the younger, of Liverpool, Lancashire, bookseller; div.

12, PALMER James, of Lynn, Norfolk, draper; fur. div.

13, REYNOLDS Baron, of Phipp's-bridge, Mitcham, Surrey, silk printer; div.

Date of Fiat.

1841, ROBINSON Robert Wilkin, the elder, of Bedford, and Robert Wilkin Robinson, the younger, of the same town, lately carrying on business as grocers and tallow-chandlers, under the firm of Robinson & Son; div.

1841, THOMPSON Henry, late of King-street and Chadwell-street, both in St. James's, Clerkenwell, Middlesex, timber-merchant and sawyer, and now of Thornhill-bridge-place, St. Mary's, Islington, Middlesex; div.

1844, WATSON Leonard, of Rickmansworth, Hertfordshire, smith and ironmonger; div.

Gazette, Friday, April 11.

#### BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

FLINT Algernon Lindsay, of Aldermanbury and Upper Clapton, warehouseman.

HARDWICK William, of Holborn, draper.

TOWN AND COUNTRY FIATS.

ADLINGTON Thomas, of Kingsland, in the county of Middlesex, corn, seed and coal merchant.—Official assignee, Follett.—Sols. Carter & Gregory, Lord Mayor's Court-office. Fiat, April 8. Bankrupt's own petition.

BLACKMOOR John, of Rotherham, in the county of York, builder and cabinet-maker.—Official assignee, Freeman.—Sols. Moss, Cloak-lane, and Ryals, Sheffield, and Blackburn, Leeds. Fiat, April 7. Pet. Cr. Francis Wright Everet, of Ecclesfield, gent.

COGGAN Hezekiah Denby, of No. 39, Friday-street, in the city of London, warehouseman, *d. c.*—Official assignee, Johnson.—Sols. Soles & Turner, Aldermanbury. Fiat, April 10. Bankrupt's own petition.

EMANS William, of No. 12, Warwick-square, Newgate-street, in the city of London, and of No. 10, Church-street, Kennington, in the county of Surrey, bookseller and publisher, *d. c.*—Official assignee, Turquand.—Sol. Lonsdale, Temple Chambers. Fiat, April 9. Bankrupt's own petition.

FORTY Thomas, of the Royal Hotel, Richmond, in the county of Surrey, hotel-keeper, *d. c.*—Official assignee, Edwards.—Sol. Weymouth, Chancery-lane. Fiat, April 7. Bankrupt's own petition.

HOME James, of Woodstock-mews, Blenheim-street, New Bond-street, in the county of Middlesex, veterinary surgeon, patentee and manufacturer of the anolistic horse-shoe, *d. c.*—Official assignee, Belcher.—Sol. Wormald, Gray's Inn-square. Fiat, April 7. Bankrupt's own petition.

LITTEN Randall P., of No. 1, Newmarket-place, Church-road, Kingsland, grocer.—Official assignee, Groom.—Sol. Egan, Lincoln's Inn-fields. Fiat, March 31. Pet. Cr. Thomas Green, of Leather-lane, tallow-melter.

PAYNE George, of King-street, Covent-garden, in the county of Middlesex, tailor, draper, *d. c.*—Official assignee, Belcher.—Sols. Wood & Fraser, Dean-street. Fiat, April 8. Pet. Cr. William Sidney Wheeler, Edward Tewart, John Preston Tewart, and Robert Tewart, of Ludgate-hill, warehousemen.

POYNTER William, of Upper Holloway, in the county of Middlesex, carrying on business at No. 34, St. Paul's-churchyard, in the city of London, as a warehouseman, *d. c.*—Official assignee, Pennell.—Sol. King, St. Mary Axe. Fiat, —. Bankrupt's own petition.

PRITCHARD John, of Lilleshall, in the county of Salop, builder, *d. c.*—Official assignee, Bittleston.—Sols. Heane, Newport, and Motteram & Knowle, Birmingham. Fiat, March 29. Bankrupt's own petition.

SIMPSON Alexander Horatio, and Peter Hunter Irvin, of No. 233, Blackfriars-road, in the parish of Christchurch, in the county of Surrey, engineers, and axletree and pulley block manufacturers and copartners, trading under the name and firm of Simpson, Irvin & Co.—Official assignee, Follett.—Sol. Kell, Bedford-row. Fiat, March 29. Pet. Cr. David Hunt, of Fenchurch-street, wine-merchant.

**WINScombe** James, of No. 4, St. Augustine's-parade, and at Saville-place, Clifton, in the city and county of Bristol, boot and shoe maker.—Official assignee, Acraman.—Sols. Peters & Abbott, Bristol. Fiat, April 7. Pet. Cr. James Parker, of Crosby-square, clerk to Messrs. Jones & Blaxland, of the same place, solicitors.

#### *CERTIFICATES to be allowed May 2.*

**Clarke** William, of Sheffield, builder.  
**Holroyd** George, and **Joseph** Waller, of Sheffield, masons.  
**Moutrie** James, of Bristol, music-seller.  
**Oldham** James, of Wood-street, silk-warehouseman.  
**Palmer** Benjamin Wymont, of Daventry, wine-merchant.  
**Simpson** John, jun., of Wakefield, alkali-manufacturer, (partner with William Toft).

#### *DIVIDENDS.*

Date of Fiat.

- 1843, **BRAND** Henderson William, of Little Stanhope-street, Mayfair, Middlesex, cook; fur. div.  
 1844, **CROSFIELD** Thomas, the elder, of Kirkham, Lancashire, linen-draper and spirit merchant; div.  
 1845, **CURWEN** John, of Bridge-place, Vauxhall, Surrey, cheesemonger; div.  
 1845, **DETTMER** William, of No. 50, Upper Marylebone-street, pianoforte manufacturer; div.  
 1841, **HALFORD** Richard, William Henry Baldock, and **Osborn** Snoutlen, of Canterbury, bankers; joint div.  
 1844, **HOLMES** Edward, of No. 3, King-street, Cheapside, London, warehouseman; fur. div.  
 1845, **JACKSON** George, the younger, of Hertford, upholsterer; div.  
 1844, **LORD** John Buckley, and **Michael** Coghlan, now or late of Meltham, in Almondbury, Yorkshire, carrying on business there as woollen-cloth manufacturers and scribbling millers, and at Huddersfield, said county, as merchants; div.  
 1844, **PALMER** Benjamin Wymont, of Daventry, Northamptonshire, wine and brandy merchant, innkeeper, and coach-proprietor; div.  
 1844, **STURTEVANT** Richard Lawrence, of Church-street, Bethnal-green, Middlesex, soap-manufacturer; div.  
 1844, **VAILE** Joseph, of Cheltenham, Gloucestershire, wine and spirit-merchant; div.

*Gazette, Tuesday, April 15.*

#### *BANKRUPTS.*

##### *TOWN AND COUNTRY FIATS.*

- AYTON** Joseph Jobling, of South Shields, in the county of Durham, linen-draper. *d. c.*—Official assignee, Baker.—Sols. Wilson, South Shields, and Hodgson, Broad-street-buildings, London. Fiat, April 8. Bankrupt's own petition.  
**BARKER** Preston, of Shelton, in the county of Stafford, publican.—Official assignee, Valpy.—Sols. Challinor, Hanley, and Motteram & Knowles, Birmingham. Fiat, April 4. Bankrupt's own petition.  
**BENN** William Wilshere, of Liverpool, in the county of Lancaster, merchant.—Official assignee, Turner.—Sols. Gregory & Co. Bedford-row, and Frodsham, Liverpool. Fiat, April 8. Bankrupt's own petition.  
**BRADSHAW** Job, of St. Alban's, in the county of Hertford, draper and tailor.—Official assignee, Groom.—Sol. Walker, Furnival's Inn. Fiat, April 4. Pet. Cr. John Brasbridge Nash, of St. Alban's, stationer.  
**DODD** Thomas Steward, of Liverpool, in the county of Lancaster, innkeeper, boarding-house keeper, *d. c.*—Official assignee, Case-nove.—Sols. Bridger & Blake, London-wall, and Dodge, Liverpool. Fiat, April 9. Bankrupt's own petition.  
**HAMPSON** Kenrick Frederick Alexander, of No. 16, Walnut-tree-walk, Lambeth-walk, Lambeth, in the county of Surrey, gas-fitter and machinist, and, previously to the time of his trading in England, a trader at George-street, Sydney, New South Wales, as a gas-fitter and machinist.—Official assignee, Pennell.—Sol. Smith, Wilmington-square. Fiat, April 12. Bankrupt's own petition.  
**HODGKINSON** William, of No. 1, Weston-street, Pentonville, in the county of Middlesex, slater, *d. c.*—Official assignee, Belcher.—Sol. Nash, Goswell-road. Fiat, April 4. Bankrupt's own petition.

**JARVIS** Joseph, and **James** Jarvis, of Great Bush-lane, Cannon-street, in the city of London, wine and spirit merchants, *d. c.* and copartners, trading under the firm of Jarvis & Co.—Official assignee, Green.—Sol. Gale, Basinghall-street. Fiat, April 10. Pet. Cr. John Peter Gassiot, Sebastian Gonzales Martinez, and John Peter Gassiot, jun., of Mark-lane, wine-merchants.

**JONES** John, of Pinchbeck, in the county of Lincoln, butcher, *d. c.*—Official assignee, Christie.—Sols. Bonner & Son, Spalding, and Motteram & Son, Birmingham. Fiat, April 3. Pet. Cr. Charles Bonner, of Spalding, gent.

**JONES** William, late of the Adelaide Gallery, Strand, in the county of Middlesex, commission-agent, *d. c.*, and now of Stamford-street, in the county of Surrey.—Official assignee, Belcher.—Sol. Crouch, Southampton-buildings. Fiat, April 11. Bankrupt's own petition.

**LEADER** John Morgan, of No. 361, Oxford-street, in the county of Middlesex, coach-maker, *d. c.*—Official assignee, Graham.—Sols. Bailey & Shaw, Berners-street. Fiat, April 11. Pet. Cr. James Russell, of Adam and Eve-court, Oxford-street, coach-body manufacturer.

**OVEREND** Hannah, of Popplewell in Scholes, in the township of Cleckheaton, in the parish of Birstall, in the county of York, card-maker, *d. c.*—Official assignee, Fearn.—Sols. Wigglesworth & Co. Gray's Inn, and Cronhelm, Leeds. Fiat, April 11. Bankrupt's own petition.

**PATTINSON** William Birchall, of Liverpool, in the county of Lancashire, currier and leather-seller.—Official assignee, Morgan.—Sols. Vincent & Co. Temple, and Jones, Liverpool. Fiat, April 4. Bankrupt's own petition.

**SPENCE** William Whitaker, of the town and county of Newcastle-upon-Tyne, woollen-draper, carrying on business in partnership with Mary Spence, of the same place, under the name, style and firm of Mary Spence & Son, as a trader indebted jointly and together with the said Mary Spence.—Official assignee, Wakley.—Sols. à Becket & Co. Golden-square. Fiat, April 5. Pet. Cr. Alexander Masters Bidgood, Thomas Jones, and Arthur Wilson, of Vespere-street, woollen-drappers.

**WOOLLAMS** John, of No. 15, Charles-street, Manchester-square, in the parish of St. Marylebone, in the county of Middlesex, builder.—Official assignee, Turquand.—Sol. Kernot, Welbeck-street. Fiat, April 9. Pet. Cr. John Kernot, of Welbeck-street, gent.

#### *CERTIFICATES to be allowed May 6.*

**Argent** James, of Golden-lane, victualler.  
**Beck** Edward, of Tiverton, cabinet-maker.  
**Cash** Charles, of Whitechapel-road, ironmonger.  
**Fairfax** John, of Leamington Priory, printer.  
**Kempe** Nicholas John, of Liverpool, ship-owner.  
**Robinson** Edward Llewellyn, of Moulton, fellmonger.  
**Tomkinson** Michael, of Kidderminster, linen-draper.  
**Withers** Thomas Richard, of Eling, merchant.

#### *DIVIDENDS.*

Date of Fiat.

- 1844, **BANISTER** Charles James, of Rotten-row, Derby, linen and woollen draper, late partner in trade with one Robert Banister, late of Derby, linen and woollen draper; div.  
 1845, **BLAKE** John, of Ballast-hill, Sunderland, Durham, hardwareman and edge-tool manufacturer, as a trader indebted jointly with one James Easton, with whom the said John Blake formerly carried on partnership at Sunderland, as hardware men, under the firm of John Blake & Co.; div.  
 1841, **CATON** William, of Preston, Lancashire, ironmonger; third and final div.  
 1845, **COLT** William Henry, of Long Melford, Suffolk, grocer; *d. c.*  
 1841, **HERON** James Holt, John Speir Heron, James Knight Heron, and Andrew Heron, of Manchester and Wigan, both in Lancashire, cotton-spinners, carrying on business in Manchester as in Wigan, under the firm of James Holt Heron & Sons; first sep. div. of James Holt Heron.  
 1842, **MORRIS** William, of Long-lane, Bermondsey, Surrey, leather dresser and parchment manufacturer; div.  
 1843, **PRINGLE** William, of Morpeth, Northumberland, corn- and corn-merchant; final div.  
 1844, **SPEYER** Philip, and **Joseph** Shabach, of No. 52, High Holborn, Middlesex, tailors; final sep. div. of Speyer.

Gazette, Friday, April 18.

**BANKRUPTS.****BANKRUPTCY SUPERSEDED.****MILLER** James, of Southampton, boot-maker.**TOWN AND COUNTRY FIATS.****BANT** Job, of No. 3, Hollen-street, Wardour-street, in the parish of St. Ann, Soho, in the county of Middlesex, saddle-tree maker, *d. c.*—Official assignee, Belcher.—Sols. aBecket & Co. Golden-square. Fiat, April 15. Bankrupt's own petition.**COOK** Henry Polley, of Coggeshall, in the county of Essex, licensed victualler, brewer, *d. c.*—Official assignee, Edwards.—Sols. M'Leod & Stenning, London-street. Fiat, April 9. Pet. Crs. Henry and Edward Muggridge, of St. Andrew's-hill, corn-factors.**COYLE** Thomas Holbrook, late of Liverpool, in the county of Lancaster, and of Argyle-street, in the county of Middlesex, wine and spirit merchant, *d. c.*—Official assignee, Follett.—Sol. Cross, Surrey-street. Fiat, April 15. Bankrupt's own petition.**FIRTH** Charles Mousley, of No. 8, St. Michael's-alley, Cornhill, in the city of London, and of No. 14, Chrysell-road, North Brixton, in the county of Surrey, lithographic printer.—Official assignee, Johnson.—Sol. Brown, Bedford-row. Fiat, April 14. Pet. Crs. Jeffery Lucas, Joseph Sharples, and William Exter, of Hitchin, bankers.**HILL** Joseph, of Stroud, in the county of Gloucester, hatter, *d. c.*—Official assignee, Miller.—Sol. Kearsey, Stroud. Fiat, April 5. Pet. Cr. James Davis, of Stroud, innholder.**ISHERWOOD** George Frederick Stanley, of Hulme, within the parish of Manchester, in the county of Lancaster, engraver to calico printers.—Official assignee, Pott.—Sols. Makinson & Sanders, Temple, and Barlow, Manchester. Fiat, April 12. Pet. Cr. John Webster, of Hulme, supervisor.**JONES** Thomas, of Liverpool, in the county of Lancaster, coal-dealer, *d. c.*—Official assignee, Bird.—Sols. Parker & Co. Bedford-row, and Greatley, Liverpool. Fiat, April 9. Bankrupt's own petition.**LONG** Joseph, of Tavistock, in the county of Devon, linen and woollen draper.—Official assignee, Hirtzel.—Sols. Turner, Exeter, and Spyer, Broad-street-buildings. Fiat, April 8. Bankrupt's own petition.**ARBONS** William, of Temple-street, in the city of Bristol, brewer.—Official assignee, Acraman.—Sol. Leman, Bristol. Fiat, April 11. Pet. Cr. William Hole, of Bristol, gun-manufacturer.**ICKERING** John, of No. 6, Cornbury-place, Old Kent-road, in the county of Surrey, *d. c.*—Official assignee, Bell.—Sols. Desborough & Young, Sise-lane. Fiat, April 15. Bankrupt's own petition.**EES** Thomas Popkins, of Crooked-lane Chambers, King William-street, in the city of London, iron-merchant, commission-agent, *d. c.*, formerly in copartnership with George Hartshorn, carrying on business at No. 33, Bread-street, Cheapside, in the city of London, as wholesale ironmongers.—Official assignee, Alsager.—Sols. Lawrence & Plews, Bucklersbury. Fiat, April 16. Bankrupt's own petition.**PRAGUE** John Warden, of Poole, in the county of Dorset, grocer.—Official assignee, Turquand.—Sol. Wilkins, Furnival's Inn. Fiat, April 15. Bankrupt's own petition.**PERRY** William Bristow, of Jamaica-row, and Bermondsey-wall, Bermondsey, in the county of Surrey, sail-maker, *d. c.*—Official assignee, Whitmore.—Sol. Brown, Walbrook. Fiat, April 11. Pet. Cr. Honor Cubitt, of East-lane, Bermondsey, victualler.**NDERWOOD** William, late of No. 213, High-street, in the borough of Southwark, in the county of Surrey, grocer and tea-dealer.—Official assignee, Alsager.—Sol. Turner, Mount-place, Whitechapel. Fiat, April 9. Pet. Cr. Thomas Bennett, of Little Pulteney-street, tea-dealer.**ILLIAMS** John, of the town of Abergavenny, in the county of Monmouth, carpenter.—Official assignee, Hutton.—Sol. Naah, Bristol. Fiat, March 18. Pet. Cr. Isaac Rouch, of Bristol, timber-merchant.

5.—BANKR. 1845.

**CERTIFICATES to be allowed May 9.**

Blake Dodshon, of Norwich, mohair manufacturer.  
 Bibbis Samuel, of Stratton St. Mary, innkeeper.  
 Newbold John, of Nottingham, tailor.  
 Newton William, of Bath, coal-merchant.  
 Robson John Woolsworth, and John Barrow, of St. Anne's-place, Limehouse, patent-pump manufacturers.  
 White George Edward, of Reading, tailor.  
 Whitton John, of Manchester, laceman.  
 Wilson Christopher Nathaniel, of Dewsbury, brewer.

**DIVIDENDS.****Date of Fiat.**

1845, **FLINTOFF** George, of Plymouth, Devonshire, bookseller and stationer; div.  
 1830, **GORTON** Thomas, the younger, of Grosvenor-row, Pimlico, Middlesex, bookseller; fur. div.  
 1799, **GREEN** Joseph, of Birmingham, Warwickshire, merchant; div.  
 1834, **GREW** Samuel, of Birmingham, Warwickshire, brush-maker; final div.  
 1844, **HARLEY** Joseph, of Wolverhampton, Staffordshire, plumber, glazier and painter; div.  
 1844, **JOHNSON** Thomas, the elder, William Johnson, and Charles Mann, of Romford, Essex, bankers; first and final div. of T. Johnson, sen.  
 1844, **MANN** Robert Kinder, of Kingston-upon-Hull, wine-merchant and commission-agent; first div.  
 1840, **MILLICHAMP** Joseph, of Birmingham, Warwickshire, wine and spirit merchant and maltster; div.  
 1844, **MORRISON** Pearson Richard, late of Liverpool, Lancashire, merchant, but now of Hammersmith, Middlesex, out of business; div.  
 1841, **OVERTON** James, of Queen-street, Grosvenor-square, Middlesex, coach and harness plater; div.

Gazette, Tuesday, April 22.

**BANKRUPTS.****BANKRUPTCIES SUPERSEDED.****GIBSON** George, of Liverpool, stock-broker and commission-agent.**TAYLOR** Joshua, of Whittlesea, Cambridgeshire, draper.**THORNE** Thomas, of Tothill-street, Westminster, cheesemonger.**TOWN AND COUNTRY FIATS.****ARNOLD** Thomas, of Castle-street, Shrewsbury, in the county of Salop, veterinary surgeon.—Official assignee, Whitmore.—Sols. Jones, Shrewsbury, and Mottram & Co. Birmingham. Fiat, April 18. Bankrupt's own petition.**HOMEWOOD** Thomas, of Hillingdon, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Green.—Sols. Paterson, Bouverie-street, and Wools, Uxbridge. Fiat, April 18. Pet. Cr. Spencer Homewood, of Uxbridge, miller.**LAMB** John, and Thomas Lamb, engineers, machinists, *d. c.* of Kidderminster, in the county of Worcester.—Official assignee, Bittleston.—Sols. Watson, Stourport, and Hodgson, Birmingham. Fiat, April 14. Pet. Cr. Edmund Lewty, of Stourport, iron-merchant.**MORRIS** Thomas, and William Woodward, of Burslem, in the county of Stafford, drapers, *d. c.* and copartners in trade.—Official assignee, Bittleston.—Sols. Lawrence & Plews, Bucklersbury, Dewes, Ashby-de-la-Zouch, and Reece, Birmingham. Fiat, April 17. Pet. Cr. Charles Woodward, of Calke, Derbyshire, miller and farmer.**PHILLIPS** Joseph, and Thomas Pearson, of Finabury House, South-place, Finsbury, in the county of Middlesex, silk-dressers and hot-pressers, *d. c.* and copartners in trade.—Official assignee, Edwards.—Sols. Lawrence & Plews, Bucklersbury. Fiat, April 19. Pet. Crs. John Bassett and William Conniston, of No. 57, Bunhill-row, millwrights.**PREBBLE** Henry Thomas, of the Crown, Thanet-street, Burton-crescent, in the county of Middlesex, wine-merchant, victualler, *d. c.*—Official assignee, Groom.—Sol. Harpur, Kennington-cross.

Fiat, April 14. Pet. Cra. John Robert Fassett Burnett, Charles Fassett Burnett, John Fassett Burnett, and Robert Burnett Brander, of Vauxhall, distillers.

SHAW George, of Oldham, in the county of Lancaster, cotton-spinner.—Official assignee, Stanway.—Sols. Lord, Rochdale, and Johnson & Co. Temple. Fiat, April 15. Pet. Cr. Edmund Shepherd, of Rochdale, machine-broker.

WILCOCK Sarah, of Bridge-street, in Warrington, in the county of Lancaster, innkeeper.—Official assignee, Stanway.—Sols. Norris & Co. Bartlett's-buildings, and Bayley, Warrington. Fiat, March 25. Pet. Cra. Joseph and George Forrest, of Warrington, corn-dealers.

WILLIAMS Thomas Holyland, and William Clacher Stanes, of Chelmsford, in the county of Essex, auctioneers, wine and spirit merchants, *d. c.*—Official assignee, Edwards.—Sol. Brisley, Verulam-buildings, Gray's Inn. Fiat, April 21. Pet. Cra. Joseph Boord and Edward Rose Swaine, of Bartholomew-close, distillers.

#### CERTIFICATES to be allowed May 13.

Craven Henry, of Wakefield and Rochdale, corn-miller.  
Darby Thomas, and James Darby, of Birmingham, drysalers.  
Hepworth John, and David Hepworth, of Halifax, cotton-warpydys.  
Hodsdon Thomas, of Harrow, butcher.  
Vardy John Eyre, of Portsmouth, linen-draper.  
Walker John, of Jewry-street, builder, (partner with Charles White).  
Watt Robert, of Lime-street, merchant.  
Willer Joseph, of Windsor, victualler.

#### DIVIDENDS.

##### Date of Fiat.

- 1834, ANDREWS Joshua, of Threadneedle-street, London, stock-broker and commission-agent; *div.*
- 1844, BARTLETT George, of Wellington-street, Goswell-street, Middlesex, manufacturer of plaster and cement ornaments; *div.*
- 1835, BISHTON William, of Parkfield, in Sedgley, Staffordshire, iron-master, partner with George Bishton and John Underhill; *final div.*
- 1843, BUTLER George, of Witham, Essex, builder; *div.*
- 1844, CARTER Charles, of Saddington, Leicestershire, miller and baker; *div.*
- 1843, CHAPMAN George, of Aylesbury, Buckinghamshire, grocer; *div.*
- 1832, CLOVER William George, of Holborn, Middlesex, linen-draper; *div.*
- 1842, EAST William, of Spalding, Lincolnshire, builder; *final div.*
- 1844, FOOTNER Robert, of Lymington, Southampton, cabinet-maker and upholsterer; *div.*
- 1842, GREEN Edward, of Clifford-street, Bond-street, Middlesex, tailor; *div.*
- 1841, HARDING James, of Farnham, Surrey, builder and stonemason; *div.*
- 1844, HIGGINSON Thomas, of Liverpool, Lancashire, pawnbroker, auctioneer, general outfitter, and dealer in ready-made clothes and wearing apparel; *div.*
- 1837, HUMBERSTON Charles, and Samuel Frodeham, of Liverpool, Lancashire, commission-merchants, carrying on business at Ramsey, Isle of Man, as ship-builders, under the firm of Charles Humberston & Company; *div.*
- 1843, JOHNSON John, of Anston, Yorkshire, miller and timber-merchant; *final div.*
- 1843, LECESENE Lewis Celeste, of No. 11, Fenchurch-buildings, Fenchurch-street, London, merchant; *div.*
- 1838, LORDEN John, and Nathaniel Hadley, now or late of High-street, Herne Bay, Kent, builders, bricklayers and carpenters, trading under the name, style, or firm of Lorden, Hadley & Co., at Herne Bay; *final joint div., and final sep. div. of Hadley.*
- 1844, PENNY Robert, of Cockermouth, Cumberland, mercer and draper; *final div.*
- 1843, ROBINSON Ling, of Ballingdon, Essex, wheelwright; *div.*
- 1839, UNDERHILL Richard, and John Underhill, of Plymouth, Devonshire, linen-draper; *fur. joint div.*

##### Date of Fiat.

- 1825, WEHNERT Henry, of Leicester-square, Middlesex, tailor; *final div.*
- 1844, WESTRUP Walter, and Thomas Martin Cockledge, of New Cranes, Shadwell, Middlesex, and of Northfleet, Kent; millers and ship biscuit bakers; *div.*
- 1845, WILKINSON Thomas, of Hartlepool, Durham, draper; *div.*

#### Gazette, Friday, April 25.

#### BANKRUPTS.

##### TOWN AND COUNTRY FIATS.

JOHNSON John, of Nantwich, in the county of Chester, druggist, tea-dealer, *d. c.*—Official assignee, Cazenove.—Sols. Vincent & Co. Temple, and Curry & Co. Liverpool. Fiat, April 18. Bankrupt's own petition.

LOWTHIN John, and Richard Jackson Brinley, of the borough and county of Newcastle-upon-Tyne, printers.—Official assignee, Wakley.—Sol. Gibson, Newcastle. Fiat, April 7. Pet. Cr. William Nesham, of Newcastle-upon-Tyne, surgeon.

NEWNES Edward, of Newton by Middlewich, in the county of Chester, brewer, *d. c.*—Official assignee, Morgan.—Sols. Walsley, Chancery-lane, and Hetherington & Woodburn, Liverpool. Fiat, March 31. Pet. Cr. Elizabeth Jones, of Liverpool, spinster.

NICHOLSON John, of Blackburn, in the county of Lancaster, linen and woollen draper, tea-dealer, *d. c.*—Official assignee, Fraser.—Sols. Milne & Co. Temple, and Wilding & Fisher, Blackburn. Fiat, April 22. Pet. Cr. George Johnston, of Blackburn, draper.

PAGE Frederick, of Northam, in the town and county of the town of Southampton, builder and plasterer, *d. c.*—Official assignee, Bell.—Sols. Smith & Atkins, Serjeants' Inn, and Mackay & Girlestone, Southampton. Fiat, April 19. Pet. Cr. Charles Mortimer Wheeler, of Redbridge, Southampton, merchant.

PEACOCK George, of No. 90, St. George's-road, Southwark, in the county of Surrey, corn-dealer and shopkeeper, *d. c.*—Official assignee, Johnson.—Sol. Bickley, Mitre-court, Ely-place. Fiat, April 24. Pet. Cr. William Francis, of Whitechapel, corn-merchant.

PLOWMAN Joseph, of Oxford, in the county of Oxford, ironmonger, *d. c.*—Official assignee, Belcher.—Sol. Gauntlett, Gray's Inn-place. Fiat, April 15. Pet. Cra. Richard Wootton, sen., of Oxford, banker, and Thomas Tubbs, his copartner.

TOTTEM George Grafton, of Crescent-place, Fulham-road, in the county of Middlesex, jeweller and watch-maker, *d. c.*—Official assignee, Graham.—Sol. Spyer, Broad-street-buildings. Fiat, April 22. Pet. Cr. Pheneas Nathan, of Caroline-mews, Bedford-square, jeweller.

WALKER William, formerly of Botteslow, in the county of Suffolk, miller, and of Hanley, in the said county, publican, but now of Eastwood, in the said county of Stafford, dealer in pottery materials.—Official assignee, Whitmore.—Sols. Chaloner, Hanley, and Harrison & Smith, Birmingham. Fiat, March 5. Bankrupt's own petition.

WARREN James Urmston, of Wellington-crescent, Ramsgate, in the county of Kent, hotel-keeper, and boarding and lodging-house keeper, *d. c.*—Official assignee, Follett.—Sols. Lawrence & Fleet Bucklersbury. Fiat, April 24. Bankrupt's own petition.

#### CERTIFICATES to be allowed May 16.

Booth James, of Kirkborton, woollen-cloth manufacturer.  
Collinson William, of East Butterwick, shipwright.  
Griffiths Thomas, jun., of Wem, wine-merchant.  
Howell William, jun., of Liverpool, bookseller.

#### DIVIDENDS.

##### Date of Fiat.

- 1845, HAGG Ichabod, of Colchester, Essex, tailor, draper, and outfitter, trading under the style or firm of I. Hagg & Co.; *div.*
- 1839, TRIVETT Francis Thomas, of Northumberland-place, Commercial-road East, Middlesex, draper; *div.*

Gazette, Tuesday, April 29.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

**BRIDESON** Robert, of Preston, in the county of Lancaster, provision dealer, *d. c.*—Official assignee, Bird.—Sols. Cornthwaite & Co. Old Jewry, and Pemberton, Liverpool. Fiat, April 4. Pet. Crs. John and Samuel Rea, of Liverpool, provision-merchants.

**CHEETHAM** Martha, and William Cheetham, both of Smedley, in the township of Cheetham, in the parish of Manchester, in the county of Lancaster, piece-dyers, *d. c.* and copartners, carrying on business under the style or firm of Martha Cheetham & Son.—Official assignee, Hobson.—Sols. Gregory & Co. Bedford-row, and Chew, Manchester. Fiat, April 23. Bankrupt's own petition.

**COOKE** Joseph, of Wem, in the county of Salop, brewer and maltster.—Official assignee, Whitmore.—Sol. Jones, Birmingham. Fiat, April 16. Bankrupt's own petition.

**GREGORY** John, of the Windsor Castle Inn, in the parish of Weston, in the county of Somerset, innkeeper, quarry-master, contractor, and horse-dealer.—Official assignee, Kynaston.—Sol. Gray, Bristol and Bath. Fiat, April 19. Bankrupt's own petition.

**JOHNSON** Anna Maria, of West Smithfield, in the city of London, innkeeper, *d. c.*—Official assignee, Groom.—Sol. Smith, Barnard's Inn. Fiat, April 25. Bankrupt's own petition.

**JOHNSON** William, of No. 36, West Smithfield, in the city of London, wine-merchant, *d. c.*—Official assignee, Turquand.—Sols. Turner & Hensman, Basing-lane. Fiat, April 24. Bankrupt's own petition.

**RORKE** Thomas, and William Birks, of Manchester, in the county of Lancaster, lately carrying on business, in copartnership, at No. 3, in Print-street, in Manchester aforesaid, as commission-agents, *d. c.*—Official assignee, Stanway.—Sols. Chilton & Acland, Chancery-lane, Slaney, Birmingham, and Foster, Manchester. Fiat, April 18. Pet. Cr. Richard Peyton, of Birmingham, hook and eye manufacturer.

## CERTIFICATES to be allowed May 20.

**Adgent** William, of Denton, flour-dealer.  
**owning** Thomas, of the New Inn, Old Bailey, innkeeper.  
**thergill** Francis, and James M'Innes, of Bell's-close, lamp-black manufacturers.  
**wis** Charles, of Bath, innkeeper.  
**urshall** Robert, of Deptford, stone-mason.  
**urkin** Morris, of Bristol, upholsterer.  
**ut** Frederick, of Stoke-upon-Trent, miller.  
**as** Thomas, of Liverpool, brewer.

## DIVIDENDS.

- of Fiat.
- ASHBARRY** Joseph, of Holm Lacy, Herefordshire, farmer and timber-merchant; div.
  - BRITTON** William, of Borrowby, Yorkshire, manufacturer of linen-cloth; first div.
  - COLLINSON** William, of East Butterwick, Lincolnshire, shipwright and carpenter; first div.
  - CREE** John, of Devonport, Devonshire, draper; div.
  - CROOK** Charles, of George-yard, Long-acre, Middlesex, livery-stable keeper; div.
  - DEAN** Richard, of Milner-place, Lambeth, Surrey, builder; div.
  - LANE** Theophilus, of Hereford, coal-merchant and scrivener; div.
  - MURCH** Henry, of Norton-under-Hamden, Somersetshire, sail-cloth manufacturer; fur. div.
  - NICHOLL** Henry, of Greetland, in Halifax, Yorkshire, worsted-spinner; final div.
  - NICHOLSON** William Foster, of Warley, in Halifax, Yorkshire, worsted-spinner; final div.
  - WESTON** Thomas, of Southampton, plumber, painter and glazier; div.
  - WORTH** Edward Potter, of Henley in Arden, Warwickshire, victualler; div.
  - YARRAD** John, of Spalding, Lincolnshire, grocer; final div.

Gazette, Friday, May 2.

## BANKRUPTS

## TOWN AND COUNTRY FIATS.

**CAPAS** Thomas, of Bordesley, in the parish of Aston juxta Birmingham, in the county of Warwick, builder, *d. c.*—Official assignee, Valpy.—Sols. Parkes & Co. Bedford-row, and Motteram & Knowles, Birmingham. Fiat, April 23. Pet. Crs. Michael Jenkins and Horatio Ashford, general factors, James Wareham, plumber, Thomas, John, and Charles Avins, timber-dealers, and Solomon Wilke, stone-mason, all of Birmingham, John and Edward Lewis, of King's Norton, brick-makers, and Robert Newland Orton, of Birmingham, attorney.

**CHANDLER** Benjamin, of Stanmore, in the county of Middlesex, ironmonger.—Official assignee, Graham.—Sol. Ashley, Shoreditch. Fiat, April 28. Bankrupt's own petition.

**COOKE** Joseph, of Wem, in the county of Salop, brewer and maltster.—Official assignee, Whitmore.—Sols. Walsley, Wem, and James, Birmingham. Fiat, April 16. Bankrupt's own petition.

**HEATON** James, of Ludlow, in the county of Salop, stationer, *d. c.*—Official assignee, Valpy.—Sols. Wootton, Tokenhouse-yard, and Anderson & Co. Ludlow. Fiat, April 17. Pet. Crs. George Ackermann, Ferdinand Ackermann, Adolphus Ackermann, and Henry Walton, of the Strand, printellers.

**HENSMAN** John Henry, and Frederick Hensman, of Adelphi Wharf, Strand, in the county of Middlesex, coal-merchants, *d. c.* and copartners, trading under the firm of Hensman & Hensman.—Official assignee, Pennell.—Sols. Turner & Hensman, Basing-lane. Fiat, April 23. Pet. Cr. Sarah Maria Hensman, of Notting-hill-terrace, spinster.

**HODGKISS** Thomas, of Watling-street, in the parish of Wellington, in the county of Salop, licensed victualler, and collector of the property and income tax for the said parish of Wellington, in the said county of Salop, *d. c.*—Official assignee, Bittleston.—Sols. Jennings, Chancery-lane, and Palmer, Birmingham. Fiat, April 29. Bankrupt's own petition.

**KNOTT** Thomas Rushforth, of Bolton-le-Moors, in the county of Lancaster, druggist and grocer.—Official assignee, Stanway.—Sols. Hulton, Bolton, and Sutton, Manchester. Fiat, April 25. Bankrupt's own petition.

**LEE** James, of Tadcaster, in the county of York, porter-merchant, *d. c.*—Official assignee, Hope.—Sols. Parkinson & Co. Gray's Inn, Thompson, Tadcaster, and Dickinson, Leeds. Fiat, April 14. Pet. Cr. Michael Powell, of Dublin, brewer.

**LEPLASTRIER** Louis, of No. 50, Alfred-street, River-terrace, in the parish of St. Mary, Islington, in the county of Middlesex, and also using the Madeira and Jamaica Coffee-house, St. Michael's-alley, Cornhill, in the city of London, clock and watch maker, and dealer in clocks and watches, *d. c.*—Official assignee, Johnson.—Sol. Hussey, Basing-lane. Fiat, April 28. Bankrupt's own petition.

**NICHOLS** Henry, late of Coleford, in the county of Gloucester, auctioneer, master collier, and quarryman, *d. c.*—Official assignee, Miller.—Sol. Wilkes, Gloucester. Fiat, April 23. Bankrupt's own petition.

**OLLIVER** Thomas, of Prestbury, near Cheltenham, in the county of Gloucester, livery-stable keeper, *d. c.*—Official assignee, Hutton.—Sols. Manning, Craven-street, Strand, and Bridges, Bristol. Fiat, April 23. Bankrupt's own petition.

**PARES** Henry, of Loughborough, in the county of Leicester, plumber, glazier and painter.—Official assignee, Christie.—Sols. Brown, Nottingham, and Harrison & Smith, Birmingham. Fiat, April 14. Bankrupt's own petition.

**SMIRK** James Edward, of the Wrekin Tavern, Broad-court, Bow-street, Covent-garden, in the county of Middlesex, licensed victualler.—Official assignee, Groom.—Sol. Spiller, Camomile-street. Fiat, April 13. Bankrupt's own petition.

**SLATER** Edward, formerly of Nos. 21, 22 and 23, Queen's-buildings, Brompton, in the county of Middlesex, and carrying on business in copartnership with James Sanders, and now of Montpelier-square, Brompton, in the said county of Middlesex, cabinet-maker and upholsterer, *d. c.*—Official assignee, Belcher.—Sol. Foord, Finner's Hall. Fiat, April 29. Bankrupt's own petition.



**TUPPER** William Chalcraft, of Catherington, in the county of Hants, grocer, baker and draper.—Official assignee, Green.—Sols. Ivimey, Chancery-lane, and Puffard, Portsea. Fiat, April 26. Pet. Cr. Joseph Penny, jun., of Portsea, Hants, draper.

**WARR** Harry, of Bridport, in the county of Dorset, currier.—Official assignee, Hernaman.—Sols. Temple & Son, Bridport, Clowes & Co. Temple, and Terrell, Exeter. Fiat, April 22. Pet. Crs. Walter Eustace Gundry and Samuel Gundry, of Bridport, bankers.

#### *CERTIFICATES to be allowed May 23.*

Allinson Richard, of Whitehaven, ironmonger.

Birley John Peart, of Brompton, plumber.

Findlay Emily Sarah Ann, of Grafton-street, milliner.

Gould William Ellis, of Finsbury-place South, carver.

Rayner James Burton, and Thomas Scarlett Carter, of Coleman-street, lamp-manufacturers.

Thorley James, of Northampton, glassman.

#### *DIVIDENDS.*

Date of Fiat.

1843, **BEAR** John, of Ramsgate, Isle of Thanet, Kent, draper; final div.

1844, **CROXTON** George, of Manchester, Lancashire, glass and china dealer, also carrying on business in Manchester with James Langshaw, as poulterers; div.

1843, **EVERSHED** Richard, of Pulborough, Sussex, timber-merchant; div.

1840, **GLYDE** Samuel, of No. 37, Southampton-row, Russell-square, Middlesex, and of Yeovil, Somersetshire, grocer; div.

1845, **GORBELL** Thomas Kewell, of Bedford-place, Commercial-road, Mile End Old Town, in St. Dunstan, Stepney, Middlesex, bookseller and stationer; div.

1841, **GREAVES** Joseph, late of Stoke-upon-Trent, Staffordshire, ale and porter merchant and bill-broker; div.

1845, **HEGGINBOTHAM** Joseph, and George Peck, both of Great Bridgewater-street, in Manchester, Lancashire, machine-makers; first and final joint div.

1840, **LEEFE** George Ewbank, and James Yates, of Fore-street, London, wholesale haberdashers; final joint div., and sep. div. of Yates.

1844, **METCALFE** John, of Macclesfield, Cheshire, silk-manufacturer; div.

1843, **MOSS** William, of Kingston-upon-Hull, woollen-draper and hatter; second div.

1841, **NESTLEAD** John, and Joseph Hextall, of Regent-street, Middlesex, lacemen; sep. div. of Hextall.

1844, **ROSKELL** Nicholas, of Liverpool, Lancashire, merchant, carrying on business with James de Peyster Ogden, at Liverpool, under the firm of Roskell, Ogden & Co., and at New York, under the firm of James de Peyster & Co.; joint div., and sep. div. of Roskell.

1842, **THORP** John, of Manchester, Lancashire, merchant, as a trader indebted together with Joseph Raleigh, carrying on business in Manchester, under the firm of Thorp, Watson & Co., to the company of proprietors of the said Bank of Manchester; first and final div.

1843, **TRAVIS** George William, of Sheffield, Yorkshire, joiner and builder; final div.

1844, **WARD** James, of Manchester, Lancashire, engineer and iron-founder; div.

#### *Gazette, Tuesday, May 6.*

#### *BANKRUPTS.*

##### *TOWN AND COUNTRY FIATS.*

**BATT** John, and Thomas Batt, of Old Broad-street, in the city of London, dealers in silk, silkmen, &c.—Official assignee, Pennell.—Sols. Crowder & Maynard, Coleman-street. Fiat, April 29. Pet. Crs. Thomas Osborn Springfield, Osborn Springfield, and Charles Morley Robertson, jun., of Coleman-street, merchants.

**BENT** Henry, of Brierley-hill, in the county of Stafford, chain-maker, &c.—Official assignee, Whitmore.—Sols. Messrs. Ryland, Birmingham, and Messrs. Sharpe & Co. Bedford-row. Fiat, April 28. Pet. Crs. James and Theodore Moilliet, of Birmingham, bankers.

**BROWN** John, and Alexander Urquhart, of Manchester, in the county of Lancaster, carpet-warehousemen and stuff-dealers, &c. and copartners, trading under the firm of Brown, Urquhart & Co.—Official assignee, Pott.—Sols. Johnson & Co. Temple, and Hickcock & Co. Manchester. Fiat, April 30. Pet. Crs. John Holdsworth, William Irving Holdsworth, and George Holdsworth, of Halifax, stuff-merchants.

**CEASER** David, of St. Mary-street, Woolwich, in the county of Kent, victualler.—Official assignee, Edwards.—Sol. C. B. Teape, Crown-court, Cheapside. Fiat, April 29. Pet. Cr. George Wainhouse, of Deptford, distiller.

**COX** Michael, of Weymouth and Melcombe Regis, in the county of Dorset, ironmonger and chapman.—Official assignee, Hiram.—Sols. Phillips, Weymouth, Combe, Staple Inn, and Terrell, Exeter. Fiat, May 1. Bankrupt's own petition.

**CROSS** Robert, late of Halstead, in the county of Essex, but now of the Hythe, Colchester, in the same county, corn-merchant, &c.—Official assignee, Turquand.—Sols. Milne & Co. Temple, and Walsh, Sudbury. Fiat, May 2. Pet. Cr. John Burket, of Lusha, near Colchester, corn-merchant.

**DARVELL** Edward Stone, of No. 2, Great Tower-street, in the city of London, colonial broker, &c., late in copartnership with George Cookes.—Official assignee, Pennell.—Sols. Lawrence & Pave, Bucklersbury. Fiat, May 3. Bankrupt's own petition.

**FORSYTH** Thomas, of the Dinsdale Spa Hotel, in the county of Durham, hotel-keeper and farmer, &c.—Official assignee, Baker.—Sols. Griffith, Raymond-buildings, Gray's Inn, Trotter & Holson, Bishop Auckland, and Hoyle, Newcastle. Fiat, April 14. Pet. Crs. John Barnes, of the West Auckland Brewery, Durham, brewer and maltster, Mary Stobart, John Castell Hopkins, Deane O'Brien, Jervis Robinson, Richard Condell, John Oliver, George Ewbank, and John Shields, the said George Ewbank and Jervis Robinson, as trustees and executors of Thomas Houlst (deceased) and John Middleton, his copartners in trade.

**HAIGH** James, of Hogley, in the parish of Almondbury, in the county of York, clothier.—Official assignee, Freeman.—Sols. Cumming, King-street, Cheapside, and Brook & Freeman, Bedford-street. Fiat, May 1. Pet. Crs. Joseph Brook, Richard Brook, George Henry Brook, and Thomas Brook Golden, of Huddersfield, woolstaplers.

**HALL** Christopher, of Sheffield, in the county of York, grocer and tea-dealer, &c.—Official assignee, Fearn.—Fiat, May 1. Pet. Cr. Mary Hall, of Sheffield, spinster.

**HUMPHRIES** Moses, of Hulme, within the parish of Manchester, in the county of Lancaster, joiner and builder.—Official assignee, Hobson.—Sols. Gregory & Co. Bedford-row, and Bell, Manchester. Fiat, May 1. Bankrupt's own petition.

**LAWRIE** George, of Fleetwood-upon-Wyre, in the county palatine of Lancaster, chemist and druggist.—Official assignee, Turner.—Sols. Sudlow & Co. Chancery-lane. Fiat, April 24. Pet. Cr. William Forbes, of Denmark-hill, Camberwell, surgeon.

**MEESON** William, of Aston, near Stone, in the county of Stafford, late of Stone aforesaid, innkeeper, coach-proprietor, &c.—Official assignee, Whitmore.—Sols. Bowen, Stafford, and Harrison & Smith, Birmingham. Fiat, April 30. Pet. Cr. Robert King Hunt, of Stafford, postmaster.

**NEWTON** John Ward, and Francis Jacob Newton, all of Reteham, in the county of York, spirit and porter merchants and distillers, &c.—Official assignee, Young.—Sols. Badger, Rotham, and Blackburn, Leeds. Fiat, May 1. Pet. Cr. John Ward, of Doncaster, coal-merchant.

**ROBINSON** Richard, of No. 14, King William-street, Strand, in the county of Middlesex, wholesale spirit and bottle beer merchant.—Official assignee, Whitmore.—Sol. Shirreff, Lincoln's Inn. Fiat, May 2. Pet. Cr. Horatio Robinson, of No. 131, Oxford-street, perfumer.

**START** William, of Sneinton, in the county of Nottingham, iron-maker, &c.—Official assignee, Bittleston.—Sols. Cowley, Birmingham, and Messrs. Mottram & Knowle, Birmingham. Fiat, April 23. Bankrupt's own petition.

**TAYLOR** William James (carrying on business under the name of William Taylor), of No. 82, High-street, Camden-town, in the county of Middlesex, grocer, oilman, &c.—Official assignee, Bell.—Sol. Burton, Powis-place, Great Ormond-street. Bankrupt's own petition.

**THURNELL** William, of Leadenhall-street, in the city of London, and of Great Windmill-street, Coventry-street, Piccadilly, in the county of Middlesex, upholsterer, *d. c.*—Official assignee, Alsager.—Sols. Pain & Hatherley, Basinghall-street and Great Marlborough-street. Fiat, April 29. Pet. Cr. Edward Holmes, of King-street, Cheapside, agent.

**WARRINER** George, formerly of the George and Vulture, George-yard, Lombard-street, in the city of London, but now of Lloyd's Coffee-house, Royal Exchange, in the said city of London, also of Erith, in the county of Kent, and of Little Tower-street, in the city of London, tavern-keeper, victualler, *d. c.*—Official assignee, Alsager.—Sols. Messrs. Kiss & Son, Fenchurch-street. Fiat, April 23. Pet. Cr. William Hunter, of Ship Tavern-passage, Leadenhall-market, poulterer.

#### CERTIFICATES to be allowed May 31.

**Behnes** William, of Osnaburgh-street, marble-merchant.  
**Bentley** Henry, of Liverpool, commission-agent.  
**Champion** Richard, of Friday-street, furrier.  
**Forrester** James, of the New-cut, Lambeth, grounds and barn merchant, (partner with John Forrester).  
**Haward** Charles Stephen, of Colchester, grocer and tallow-chandler.  
**Smeeton** Samuel, of Sibbertof, and West Smithfield, cattle-salesman.

#### DIVIDENDS.

Date of Fiat.

- 1843, **ADAMSON** William, of Hexham, Northumberland, butcher and cattle-dealer; final div.
- 1839, **AMBROSE** William, of Awre, Gloucestershire, timber-merchant; final div.
- 1843, **BLACKBURN** Henry Webster, of Bradford, Yorkshire, wool-stapler; second div.
- 1841, **BROWN** James, of Newcastle-upon-Tyne, cooper; final div.
- 1842, **BUNDEY** Henry, of No. 7, Upper York-place, Portland-town, St. Marylebone, Middlesex, builder; div.
- 1843, **ELLIOT** Robert, of Sheffield, Yorkshire, merchant and manufacturer; second and final div.
- 1833, **HARRIS** William, now or late of Castle Haynes, in Tutbury, Staffordshire, brick-maker; final div.
- 1841, **HEGINBOTTOM** William, of Ashton-under-Lyne, Lancashire, cotton-spinner; final div.
- 1842, **JACKSON** Samuel, and Thomas Frederick Jackson, of Bermondsey-street, in St. Mary Magdalen, Bermondsey, Surrey, woolstaplers; final div.
- 1844, **JOHNSON** John Cottingham, of No. 3, Lawrence Pountney-hill, Cannon-street, London, merchant; fur. div.
- 1843, **JOHNSON** James, of Little Abington, Cambridgeshire, builder; final div.
- 1845, **JONES** James, of Chester, fellmonger; div.
- 1845, **MEEK** William, of Southampton, ironmonger; div.
- 1831, **POTTER** John, of Chorlton-row, Manchester, Lancashire, and William Maude, of Darwen, in Blackburn, Lancashire, calico-printers, carrying on business at Manchester and Darwen aforesaid, in the firm of Potter, Maude & Co.; fur. joint and sep. divs.
- 1844, **PRIOR** John, and Henry Brady, both of Kingston-upon-Hull, brush-manufacturers and oil and colour merchants; joint div., and sep. div. of Prior.
- 1841, **SOULBY** Anthony Morland, of St. Mary-at-Hill, London, wine-merchant; final div.
- 1844, **TEESDALE** Christopher, and Richard Toulson, lately carrying on business as furnishing warehousemen in the Westminster-bridge-road, Surrey; final joint div.
- 1845, **TURNER** Henry, of Theobald's-road, Bedford-row, Middlesex, cowkeeper; div.
- 1843, **WINNING** George, of No. 24, Dover-street, Piccadilly, Middlesex, upholsterer; final div.
- 1843, **WOOD** John, William Wood, Joseph Wood, Samuel Wood, George Wood, and Joshua Wood, trading at Mill-bridge, in Liversedge, parish of Biratall, Yorkshire, as machine-makers, under the style or firm of Samuel Wood & Sons; second and final div.

Gazette, Friday, May 9.

#### BANKRUPTS.

##### TOWN AND COUNTRY FIATS.

**BALDWIN** Edmund, and Richard Garrett, of Henfield, in the county of Sussex, linen-draper, grocers and tea-dealers, and co-partners in trade.—Official assignee, Bell.—Sols. Hill & Mathews, St. Mary Axe. Fiat, May 6. Pet. Crs. Edward Absalom, Joseph Stubbs, and William Aylwin Stubbs, of Rood-lane, grocers.

**COOKE** Thomas, of Leicester, in the county of Leicester, glove-manufacturer.—Official assignee, Christie.—Sols. Messrs. Toller, Leicester, and James, Birmingham. Fiat, April 17. Pet. Cr. George Foster, of Horbury, Yorkshire, worsted-spinner.

**GEE** George Walker, and John Fearnie Gee, both of the borough of Leeds, in the county of York, and of Horsforth, in the said county, drapers and copartners, *d. c.*—Official assignee, Fraser.—Sols. Sale & Worthington, Manchester, and Reed & Shaw, Friday-street. Fiat, April 30. Pet. Crs. John Potter, Thomas Bayley Potter, and Samuel Holker Norris, of Manchester, merchants.

**HARRISON** William, of Woodhouse Carr, in the township of Leeds, in the county of York, pattern dyer, *d. c.*—Official assignee, Hope.—Sols. Sudlow & Co. Chancery-lane, Naylor, Leeds, and Tempest, Leeds. Fiat, May 6. Pet. Cr. John Tempest, of Leeds, drysalter.

**JONES** John, of the Prince Albert, in the town of Aberystwith, in the parish of Llanbadarn-fawr, in the county of Cardigan, inn-keeper, victualler, *d. c.*—Official assignee, Acraman.—Sol. Heaven, Bristol. Fiat, May 3. Bankrupt's own petition.

**M'DOUGAL** James, of Leicester, in the county of Leicester, draper, *d. c.*—Official assignee, Christie.—Sols. Hoskins, Loughborough, and James, Birmingham. Fiat, April 20. Bankrupt's own petition.

**MEARS** John, of Leeds, in the county of York, grocer and tea-dealer.—Official assignee, Hope.—Sols. Rushworth, Staple Inn, and Sanderson, Leeds. Fiat, May 6. Bankrupt's own petition.

**NEWTON** Jacob, John Ward Newton, and Francis Jacob Newton, all of Rotherham, in the county of York, spirit and porter merchants and druggists, *d. c.*—Official assignee, Young.—Sols. Badger, Rotherham, and Blackburn, Leeds. Fiat, May 1. Pet. Cr. John Ward, of Doncaster, coal-merchant and farmer.

**PIPER** Thomas Foot, of No. 94, Cheapside, and of No. 4, Bishopsgate-street Without, both in the city of London, and of No. 2, Thomas-place, North-street, Whitechapel, in the county of Middlesex, and of Union-road, Landport, in the county of Hants, wholesale stay manufacturer, *d. c.*—Official assignee, Bell.—Sol. Cox, Pinners' Hall. Fiat, May 2. Pet. Cr. William Fugler, of Lawrence-lane, warehouseman.

**PARES** Henry, of Loughborough, in the county of Leicester, plumber, glazier, and gas-fitter.—Official assignee, Christie.—Sols. Brown, Nottingham, and Harrison & Smith, Birmingham. Fiat, April 14. Bankrupt's own petition.

**RUDMAN** George, of Thomas-street, in the district of the united parishes of St. James and St. Paul, in the city and county of Bristol, mason, builder, and licensed retailer of beer.—Official assignee, Kynaston.—Sols. White & Co. Bedford-row, and Short, Bristol. Fiat, May 5. Bankrupt's own petition.

#### CERTIFICATES to be allowed May 30.

**Colt** William Henry, of Long Melford, grocer.  
**Hill** Richard, of Exeter, currier.  
**James** Thomas Gates, of River-street, Myddelton-square, builder.  
**Kelsall** John, of Hanley, fishmonger.  
**Lee** Charles, of Wakes Colne, miller.  
**Moore** Charles, of St. John-street, carver.  
**Peters** John, of Godstone, Innkeeper and farmer.  
**Whittaker** Henry, of Macclesfield, silk-throwster.

#### DIVIDENDS.

Date of Fiat.

- 1841, **ALDER** Anthony, of Brimscombe, Gloucestershire, cloth-factor; final div.
- 1842, **BAKER** Joseph, and Edward Swinburne, of Birmingham, Warwickshire, timber-merchants; final joint div., and final sep. div. of Baker.
- 1841, **NASH** William, of Budge-row, London, tea-dealer; div.
- 1844, **ROBERTSON** Alexander, and Lewis Henry Folger, of High-street, Shoreditch, Middlesex, cabinet-makers; div.

Gazette, Tuesday, May 13.

### BANKRUPTS.

#### TOWN AND COUNTRY FIATS.

**BETTS** Joseph Young, of Duke-street, in the parish of St. John, in the town of Cardiff, in the county of Glamorgan, grocer.—Official assignee, Miller.—Sol. Leonard, Bristol. Fiat, May 8. Bankrupt's own petition.

**BRAIN** John, of No. 16, Winchester-place, Pentonville, in the county of Middlesex, and late of Holford-square, Pentonville aforesaid, copper-plate dealer, engraver, *d. c.*—Official assignee, Johnson.—Sols. Messrs. Lawrance & Co. Bucklersbury. Fiat, May 8. Bankrupt's own petition.

**BUCKLEE** John Brookes, of Kidderminster, in the county of Worcester, mercer and draper, *d. c.*—Official assignee, Valpy.—Sols. Boycott & Lucy, Kidderminster, and Reece, Birmingham. Fiat, May 3. Pet. Cr. Charles Lionel Lucy, of Kidderminster, wine and spirit merchant.

**DAVIES** William, of Liverpool, in the county of Lancaster, milk-seller, *d. c.*—Official assignee, Morgan.—Sols. Milne & Co. Temple, Slater & Heelis, Manchester, and Hore, Liverpool. Fiat, April 26. Pet. Cr. Sir Arthur Ingram Aston, of Aston, Cheshire, knight.

**ELLIS** John Walker, of No. 15, Lawrence-lane, Cheapside, in the city of London, cloth-merchant, warehouseman, *d. c.*—Official assignee, Graham.—Sols. Jacques & Co. Ely-place, and Battye & Co. Huddersfield. Fiat, May 5. Pet. Cr. William Henry Kaye, of Huddersfield, merchant.

**FURNIVAL** John, of Kettering, in the county of Northampton, corn-dealer and baker, *d. c.*—Official assignee, Follett.—Sols. Cardales & Iliffe, Bedford-row, and Garrard, Kettering. Fiat, April 30. Pet. Cr. John Baker, of Danford, Northamptonshire, and Frederick Draper, of Barton Seagrave, Northamptonshire, farmers.

**MALPAS** Henry, of Monmouth-street, within the city and borough of Bath, victualler and builder.—Official assignee, Hutton.—Sols. Raven, Temple, and Drewe, Bath. Fiat, May 8. Pet. Cr. James Lester, of Walcot, timber-merchant.

**SEAGER** Thomas, of Hammersmith, in the county of Middlesex, leather-cutter, *d. c.*—Official assignee, Whitmore.—Sol. Hepburn, Copthall-court, Throgmorton-street. Fiat, May 7. Pet. Crs. William Fisher and John Rigby Fisher, of Mase-pond, Southwark, leather-dealers.

**SIMPSON** John, late of Maryport, in the county of Cumberland, common brewer, and now of Talentire, in the said county of Cumberland, ship-owner, *d. c.*—Official assignee, Wakley.—Sols. Taylor & Collinson, Great James-street, and Cram, Newcastle. Fiat, April 26. Pet. Cr. Henry Oldknow Huthwaite, of Maryport, solicitor.

**STURLEY** Mark, of Southam, in the county of Warwick, organ-builder, turner, brick-maker, *d. c.*—Official assignee, Bittleston.—Sols. Weller, King's-road, London, Pell, Northampton, and Hodgson, Birmingham. Fiat, May 7. Bankrupt's own petition.

**WEBB** William Henry, of Stratford-upon-Avon, in the county of Warwick, dealer in guano and other manures, *d. c.*—Official assignee, Christie.—Sols. Hobbes & Slater, of Stratford-upon-Avon, and Harrison & Smith, Birmingham. Fiat, April 26. Pet. Cr. Thomas Johnson, of Liverpool, merchant.

#### CERTIFICATES to be allowed June 3.

Atkinson Matthew, of Temple Sowerby, banker, (partner with Jonathan Laidman, sen.)

Benbow William, of Liverpool, merchant, (partner with Joseph Lander, of Birmingham).

Davis Lovel, of Ewhurst, wine-agent.

Knight William, of Manchester, oil-cloth manufacturer.

Metcher Thomas, of Southampton, plumber.

North John, of Map's-row, Stepney-green, victualler.

Papillon Peter James, of Leeds, wine-merchant.

Smith Thomas, sen., of Minto-street, Bermondsey, wool-manufacturer.

Wilson Joseph, of Jermyn-street, boot-maker.

### DIVIDENDS.

#### Date of Fiat.

1842, **ACRAMAN** Daniel Wade, William Edward Agraman, and Alfred John Agraman, all of Bristol, merchants, and also carrying on business in Bristol with Thomas Holroyd, William Morgan, and Thomas Narroay Franklyn, as manufacturing engineers, manufacturers of anchors and chain cables, and ship-builders; final div. of D. W. Agraman.

1845, **ATKINSON** Anthony, and Francis Atkinson, of Newcastic-upon-Tyne, colour-manufacturers and commission-agents; joint div., and sep. div. of Anthony Atkinson.

1844, **ATTWATER** William, of No. 24, Devonshire-street, Queens-square, Middlesex, dyer and scourer; div.

1843, **BLUNDEN** Richard, of Alten, Southampton, plumber, glazier, and ironmonger; div.

1844, **BLYTHE** Frederick Edmund, of Colchester, Essex, porter-merchant; div.

1844, **CHANDLER** William, of No. 95, Minorics, London, chemist and retailer of drugs, and druggist; div.

1835, **COX** Stephen, of Hendon, Middlesex, and of Brunswick-street, Stamford-street, Surrey, horse-dealer; final div.

1841, **DOLLMAN** Edward, of Church-court, Clement's-lane, London, merchant; div.

1845, **HALL** William, of Claypath, in or near Durham, grocer and flour-dealer; div.

1845, **HERBERT** Robert Mayo, late of Truro, Cornwall, but at present at Reading, Berkshire, tea-dealer and grocer; div.

1841, **HOPKINS** James, and John Drewitt, both of Arundel, Sussex, bankers; div.

1843, **JAMES** Thomas Gates, of River-street, Myddelton-square, builder; div.

1843, **JENKYN** Francis, and John Hay Hardyman, of Love-lane, Eastcheap, London, merchants and commission-agents; sep. div. of Hardyman.

1845, **PETERS** John, of Godstone, Surrey, innkeeper and farmer; div.

1841, **POTTS** Cuthbert, Andrew Potts, and John Potts, all of Menkwearmouth Shore, Durham, ship-builders and boat-builders, under the firm of Cuthbert, Potts & Co.; final joint div.

1838, **SLADE** Robert, the elder, of Poole, Rolles Biddle, of Longfleet, in Great Canford, Dorsetshire, Mark Seager, of Poole, and Robert Major, of Longfleet, carrying on trade as Newfoundland merchants, under the firm of Slade, Biddle & Co., and as rope-manufacturers, under the firm of Major, Seager & Co.; sep. div. of Robert Slade.

1841, **SPENCER** Robert, of Newcastle-upon-Tyne, scrivener; first div.

1844, **STOREY** James, and John Gibb, both of Liverpool, Lancashire, ship-chandlers, lately carrying on business under the style or firm of Storey & Co.; joint div., and sep. div. of Storey.

1842, **THOMAS** George Davenport, of Wem, Salop, grocer and ironmonger; final div.

1844, **TODMAN** Joseph George, of No. 91, Gray's Inn-lane, Middlesex, licensed victualler; div.

1840, **WOOLCOTT** George, of Brownlow-mews, Gray's Inn-lane, and of Doughty-street, both in Middlesex, builder; div.

Gazette, Friday, May 16.

### BANKRUPTS.

#### BANKRUPTCIES SUPERSEDED.

**COLE** Frederick Lindsay, of Fenchurch-street, wine-merchant.

**FRANCIS** Absolom, of Baglit, iron-founder.

#### TOWN AND COUNTRY FIATS.

**COLE** Frederick Lindsay, of No. 101, Fenchurch-street, in the city of London, wine-merchant, *d. c.*—Official assignee, Whitmore.—Sol. Goddard, Wood-street. Fiat, May 10. Pet. Cr. Henry Donaldson, of Mark-lane, wine-merchant.

**LAMPFRAY** John, of the borough of Warwick, in the county of Warwick, money-scriver, *d. c.*—Official assignee, Valpy.—Sols. Morris & Wallington, Warwick, and Harrison & Smith, Birmingham. Fiat, April 29. Pet. Cr. Richard Grant Reading, of Warwick, druggist.

**LAWTON** Edward, and Thomas Kay, of Rochdale, in the county of Lancaster, iron-founders, *d. c.*—Official assignee, Fraser.—Sols. Mayhew & Son, Carey-street, and Halsall, Middleton. Fiat, May 8. Pet. Cr. Charles Tattersall, of Rochdale, cotton-warper.

**LIVINGSTON** James, and Thomas Brittain, of Manchester, in the county of Lancaster, plumbers, glaziers, and brass-founders, *d. c.* and copartners in trade.—Official assignee, Hobson.—Sols. Kelsall, Chester, Goulden, Manchester, and Milne & Co. Temple. Fiat, May 8. Pet. Cr. Sir Edward Samuel Walker, knight, Joseph Reed Walker, Joshua Walker, Henry Walker, Philip Ainsley Walker, Samuel Walker Parker, and Samuel Parker, jun., of Chester, lead-merchants.

**RICHARDS** James, of Deptford-bridge, in the county of Kent, plumber, painter and glazier, *d. c.*—Official assignee, Alsager.—Sols. Burn, Great Carter-lane. Fiat, May 13. Pet. Cr. William Robertson, William Lockie, and Robert M'Leod, of Upper Thames-street, glass-merchants.

**RUSSELL** William, James Knowles, and Henry Simister, of Salford, in the county of Lancaster, perchers, stiffeners, dyers, *d. c.*, carrying on business in Salford aforesaid, in copartnership with Thomas Russell, of the same place, as perchers, stiffeners and dyers, as traders indebted jointly and together with the said Thomas Russell.—Official assignee, Pott.—Sols. Vincent & Sherwood, Temple, and Todd, Manchester. Fiat, May 6. Pet. Cr. Thomas Parkinson, of Bolton-le-Moors, drysalter.

**SUMMERS** William, and Nicholas Rae, both of Strangeways, in the parish of Manchester, in the county of Lancaster, rope-makers, *d. c.*, carrying on business at Strangeways aforesaid, under the firm of Summers & Rae.—Official assignee, Stanway.—Sols. Makinson, Manchester, and Gregory & Co. Bedford-row. Fiat, May 8. Pet. Cr. William Henry Winn and Joseph Jones, of Liverpool, flax-merchants.

#### *CERTIFICATES to be allowed June 6.*

Cooper Thomas, of Aldgate High-street, coffee-house keeper, and of Leadenhall-street, clerk.  
Cox Thomas, of Birmingham, lamp-manufacturer.  
Ferrie Thomas, of Wootton Bassett, grocer.  
Green James, and Charles Green, of the Borough-road, corn-dealers.  
Spencer William, of Wallingford, brewer.

#### *DIVIDENDS.*

**Date of Fiat.**  
1834, **CLARKE** Peter, of Kingston-upon-Hull, merchant and warehouseman; final div.  
1829, **CLEMENTS** Charles, of Liverpool, Lancashire, common brewer; div.  
1844, **DRURY** William Starr, of Chester, ironmonger; div.  
1844, **FIGGE** John Frederick, of No. 3, Dunster-court, Mincing-lane, London, merchant; div.  
1830, **FOSSICK** Samuel, late of Mumford-court, Milk-street, Cheap-side, London, warehouseman, and of Gracechurch-street, said city, umbrella manufacturer; div.  
1842, **HOAD** William, of Wickham, Southampton, grocer; fur. div.  
1841, **KERR** Henry Thomas Coggan, John Henry Baughan, and Thomas Turgis Haines, of Suffolk-street, Pall-mall East, Middlesex, army-agents; sep. div. of Baughan.  
1844, **PEGLER** George, of Duke-street, Reading, Berkshire, woollen-draper; div.  
1841, **THOMPSON** Archibald, of Leadenhall-street, London, merchant; div.  
1844, **THORPE** Henry, of Kensington, Middlesex, linen-draper; fur. div.  
1843, **VICKERS** Abraham, of Manchester, Lancashire, ironmonger; first div.

*Gazette, Tuesday, May 20.*

#### *BANKRUPTS.*

##### *BANKRUPTCIES SUPERSEDED.*

**ASTON** William, sen. of Aston juxta Birmingham, victualler.  
**WICKS** Jacob, of Bristol, tea-dealer.

#### *TOWN AND COUNTRY FIATS.*

**CLEMENT** George, and Henry Sammons, of Nelson-terrace, Stoke Newington, in the county of Middlesex, tea-dealers and grocers, *d. c.* and copartners.—Official assignee, Belcher.—Sols. Green, Great Carter-lane. Fiat, May 19. Bankrupt's own petition.

**DAVIS** William, of Compton, in the parish of Tottenhall, in the county of Stafford, butcher, *d. c.*—Official assignee, Whitmore.—Sols. Mottram & Co. Birmingham. Fiat, May 12. Pet. Cr. Christopher Callum, of Pattingham, Staffordshire, gent.

**GUIGUES** Victor, of Nos. 1 and 3, Leicester-street, Leicester-square, in the county of Middlesex, hotel and board and lodging house keeper.—Official assignee, Belcher.—Sols. Dawes, Serjeants' Inn. Fiat, May 16. Bankrupt's own petition.

**PARKER** Jacob, of Cheltenham, in the county of Gloucester, cabinet-maker and upholsterer, *d. c.*—Official assignee, Acraman.—Sols. Packwood, Cheltenham. Fiat, May 12. Pet. Cr. Frederick George Harding and William Harding, of No. 70, Fore-street, Cripplegate, plate-glass factors.

**PEERS** George Tuppenny, of Ironmonger-lane, Cheapside, in the city of London, plumber, painter and glazier.—Official assignee, Bell.—Sols. Pain & Hatherly, Basinghall-street and Great Marlborough-street. Fiat, May 16. Bankrupt's own petition.

**STOCKS** William, residing at New House, in Huddersfield, in the county of York, merchant, *d. c.*—Official assignee, Freeman.—Sols. Jacques & Co. Ely-place, Kidd, Holmfirth, and Blackburn, Leeds. Fiat, May 12. Pet. Cr. James Ramsden, sen., of Almondsbury, manufacturer.

**TERRY** Henry, now or late residing at the Old Swan public-house, Battersea, in the county of Surrey, and late of the Nag's Head public-house, Battersea aforesaid, licensed victualler, *d. c.*—Official assignee, Green.—Sols. Fisher & Co. Aldersgate-street. Fiat, May 14. Pet. Cr. Thomas Ganh, of No. 26, Aldersgate-street, distiller.

**WATSON** William, of Wakefield, in the county of York, licensed victualler, *d. c.*—Official assignee, Fearn.—Sols. Clarke, Chancery-lane, and Watson, Wakefield. Fiat, May 16. Pet. Cr. Charles Clapham and Christian Frederick Gotthardt, of Wakefield, wine and spirit merchants.

#### *CERTIFICATES to be allowed June 10.*

Chapman Edward John, of Bradford and Birkenhead, civil engineer, (partner with Charles Smith).  
Coleman Henry, of Union-court, Old Broad-street, and Arden-terrace, Camberwell-grove, merchant.  
Dees William, James Dees, and James Hogg, of Newcastle and Darlington, builders.  
Fleetham St. Andrew, of Hartlepool, grocer.  
Gorton Thomas, jun. of Grosvenor-row, Finsbury, bookseller.  
Gray James, of Manchester, upholsterer.  
Pears Samuel, of Old Jewry, wine-merchant.  
Pollock Alexander Wynne, of Liverpool, commission-merchant.  
Turner Stanhope, of Bolton-le-Moors, iron-founder, (partner with Jonas Pilling).  
Wells James, of Winchcomb, carrier.  
Woodhead Joseph, and John Woodhead, of Bradford, worsted-stuff manufacturers.

#### *DIVIDENDS.*

**Date of Fiat.**  
1843, **ALMOND** Richard, of Orrell, Lancashire, coal-dealer and corn-dealer; div.  
1841, **CARPENTER** William, of Chippenham, Wiltshire, innkeeper; final div.  
1830, **CHARLES** Robert, and George Charles, of Liverpool, Lancashire, ship-chandlers; joint div., and sep. div. of George Charles.  
1845, **KILFORD** Thomas, of Bletchenden-street, Commercial-road, and of Hill-street Four Posts, but now of Bridge-street, all in Southampton, cabinet-maker and upholsterer; div.  
1845, **PELL** William, of Newcastle-upon-Tyne, linen-draper; first and final div.  
1832, **PETERS** Eli Wile, of Coventry, wine and liquor-merchant; final div.  
1842, **PILE** George, and William James Bernard Staunton, of Salvador House, Bishopsgate-street Without, Middlesex, wine and spirit merchants; div.  
1844, **SMITH** John, of Southampton, corn-merchant, coal-merchant, and mealman; div.

Gazette, Friday, May 23.

**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

**BARKER** John, of Gayles, in the county of York, maltster and farmer.—Official assignee, Fearn.—Sols. Spiller, Gray's Inn-square. Hutchinson, Barnard Castle, and Courtenay, Leeds. Fiat, May 14. Pet. Cr. John Hind, of Gayles, gent.

**CANN** John, of Woolwich, in the county of Kent, bricklayer and builder.—Official assignee, Graham.—Sols. Bowers & Co. Chancery-lane, and Colquhoun, Woolwich. Fiat, May 19. Pet. Crs. William and John Davis, of Woolwich, brick-makers.

**FEAVIOUR** John, of Liverpool, in the county of Lancaster, hotel-keeper.—Official assignee, Turquand.—Sol. English, Old Jewry. Fiat, May 9. Pet. Crs. George Thacker, of the Tower of London, messenger, and Henry Weaver and Richard Audley, executors of John Weaver, deceased.

**HARRIS** Thomas, of Newtown, in the county of Montgomery, carrier.—Official assignee, Bird.—Sols. Gregory & Co. Bedford-row, Jones, Newtown, and Rogers & Radcliffe, Liverpool. Fiat, May 12. Pet. Cr. Edward Davies, of Welshpool, timber-merchant.

**HOLLOWAY** Richard, of Evesham, in the county of Worcester, innkeeper.—Official assignee, Christie.—Sols. Eades, Evesham, and Mottram & Knowles, Birmingham. Fiat, May 12. Pet. Crs. John Bowford, wine-merchant, John Cook, maltster, William Selkirk Kinsey, wine-merchant, John Collins, hop-merchant, Richard Hemming Hughes, brewer, William Barnes, maltster, and Zaccheus Hughes, draper, all of Evesham, and John Clark Kent, of Upton-upon-Severn, spirit-merchant.

**KIMBLE** Robert, of No. 27, Great Marylebone-street, in the parish of St. Marylebone, in the county of Middlesex, boot and shoe maker.—Official assignee, Pennell.—Sol. Strick, Doughty-street. Fiat, May 21. Bankrupt's own petition.

**LOWE** William, of St. Augustine's-back, near College-green, in the city of Bristol, carrying on the business of an ivory and hard wood turner, at St. Augustine's-back aforesaid, and on the Quay, in the said city of Bristol.—Official assignee, Kynaston.—Sols. Makinson & Sanders, Temple, and Habersfield, Bristol. Fiat, May 16. Bankrupt's own petition.

**MACDONALD** Alexander, of No. 102, Leadenhall-street, in the city of London, merchant, *d. c.*, trading in partnership with Farquhar Macqueen, late of the same place, but now on a voyage to Hong Kong, merchant.—Official assignee, Follett.—Sols. Kedell & Co. Lime-street. Fiat, May 20. Pet. Cr. Francis Henry Bourguin, of Coleman-street, watch-manufacturer.

**PRIDDEY** Henry, of Droitwich, in the county of Worcester, upholsterer, cabinet-maker, *d. c.*—Official assignee, Whitmore.—Sols. Parkes & Co. Bedford-row, and Mottram & Knowle, Birmingham. Fiat, May 19. Pet. Crs. William Green Gabb, draper, and James Trehearne, grocer, both of Droitwich.

**SIMS** Thomas, of the Earl of Effingham public-house, No. 235, Whitechapel-road, in the county of Middlesex, licensed victualler.—Official assignee, Turquand.—Sols. Wire & Child, St. Swithin's-lane. Fiat, May 21. Pet. Cr. Charles Bleaden, of Adelaide-place, gent.

**SMITH** Dyer Berry, of Liverpool, in the county of Lancaster, merchant, *d. c.*, carrying on business in partnership with Kenneth M'Leod, under the style or firm of Smith, M'Leod & Company.—Official assignee, Cazenove.—Sols. Parkes & Co. Bedford-row, and Greatley, Liverpool. Fiat, May 16. Bankrupt's own petition.

**THACKREY** John, of Leeds, in the county of York, dyer.—Official assignee, Freeman.—Sols. Milton & Nealon, Southampton-buildings, and Dunning & Co. Leeds. Fiat, May 20. Bankrupt's own petition.

**WHITE** John, of Market-place, in the parish of Warminster, in the county of Wilts, currier and leather-seller.—Official assignee, Johnson.—Sols. Galsworthy & Nichols, Cook's-court.—Fiat, May 21. Bankrupt's own petition.

**WOOD** Thomas, of Little Queen-street, Holborn, in the county of Middlesex, wine and spirit-merchant.—Official assignee, Groom.—Sols. Collins & Rigley, Crescent-place, Bridge-street. Fiat, May 16. Pet. Cr. Henry Adolphus Bigby and John Collins, of Crescent-place, Bridge-street, gents.

**CERTIFICATES to be allowed June 13.**

Banks John, of Birmingham, seed-smen.  
Burchett William, of Whitechapel-road, chemist.  
Burrage Charles, of Newgate-market, carcass-butcher.  
Conyer William, Jonathan Clegg, Joseph Bailey, Matthew Healey, Abraham Ellis, John Denton, John Brearey, and John Milne, Thomas Ridsdale, Smith Oldroyd, William Mayman, Joseph Castle, Edward Bailey, John Oldroyd, and Joseph Senior, of Batley Carr, scribbling-millers, (partners with Richard Stapleton, Benjamin Turner, Jonathan Hainsworth, Richard Shaw, James Howpa, John Brumley, and Abraham Fosard).  
Gorbell Thomas Kewell, of Bedford-place, Commercial-road, book-seller.  
Green Henry, of Liverpool, woollen-draper, (partner with William Kent).  
Haywood George, of Luton, bricklayer.  
Kewley James, of Liverpool, tailor.  
Knott Alfred, of Treford, miller.  
Lane Theophilus, of Hereford, scrivener.  
Marshall Samuel, of Hull, builder.  
Martin James, of Bexley-heath, victualler.  
Mills William Henry, of Mark-lane, wine-merchant.  
Pim John, of Clapham-common, and Stoke Newington, linen-draper.  
Reeves William, of Walcot, coach-builder.  
Roberts John, of Bootle, near Liverpool, grocer.  
Rochester Robert, of Hartlepool, butcher.  
Swansborough Robert, and Henry Oake, of Bread-street, warehousemen, and of Grimsby, flax-merchants.  
York Henry Charles, of Cheltenham-place, Westminster-road, school-master.

**DIVIDENDS.**

Date of Fiat.

- 1844, **ARMFIELD** William, of Northampton, draper; final div.  
1844, **BALL** Gideon, of No. 3, Albion-place, Upper Bristol-road, Bath, Somersetshire, carpenter and builder; div.  
1843, **BUCHANAN** Charles Benn, and William Cunningham, both of Liverpool, Lancashire, merchants, carrying on business there under the firm of Charles Benn Buchanan & Co. and lately at New York, United States of America, under the firm of Cunningham & Buchanan, and also at present carrying on business at Montreal, in Canada, in British North America, with John Glass, under the firm of Buchanan, Cunningham & Glass; fur. div.  
1832, **COLNAGHI** Martin Henry Lewis Gaetano, of Cockspur-street, Middlesex, print-seller; fur. div.  
1845, **DINGLEY** Thomas, of No. 2, Strutton-ground, Westminster, draper and hosier; div.  
1837, **GITTON** George Robert, of Bridgnorth, Salop, printer; final div.  
1845, **GREEN** John, of No. 51, Pall-mall, and of No. 99, Sloane-street, both in Middlesex, wine-merchant; div.  
1844, **HARVEY** Samuel, of East Mersea, Essex, cattle and sheep dealer, jobber and farmer; div.  
1844, **JOHNSON** John, of Liverpool, Lancashire, merchant; div.  
1844, **MARSHALL** Robert, of No. 6, Pleasant-row, High-street, Deptford, and of Upper-road, Deptford, Kent, stone-mason; fur. div.  
1845, **MILLS** William Henry, of Mark-lane, London, wine and spirit merchant and wine-cooper; div.  
1844, **MOUTRIE** James, of Bristol, music-seller and dealer in musical instruments; div.  
1841, **MUNTON** William, of Fletland Mills, in Greatford, Lincolnshire, miller; final div.  
1845, **PAINTER** Mary Conway, of No. 102, Peter-street, Westminster, grocer and tea-dealer; div.  
1845, **PAULTON** John, of No. 2, High-street, Portland-town, Middlesex, marble and stone mason; div.  
1844, **ROBERTS** William Kent, of Abingdon, Berkshire, grocer; div.  
1842, **SMITH** Duncan, of Bucklebury, London, merchant; div.  
1843, **SOLLY** Nathaniel Neal, of Tidvale, in Rowley Regis, Staffordshire, and Richard Solly, of Sheffield, Yorkshire, carrying on trade at Tidvale, as iron-masters, under the firm of Hollis Solly & Son; final div.  
1845, **SPENCER** William, of Wallingford, Berkshire, common brewer; div.

## Date of Fiat.

- 1839, **SWANBOROUGH** Robert, of Grimsby, Lincolnshire, and Henry Oske, of Ringwood, Southampton, lately carrying on the trades or businesses of warehousemen and linen-merchants, in Bread-street, London, and flax-merchants and flax-dressers at Grimsby; final joint div. of Swansborough and Harris.
- 1845, **WHYTE** Thomas, of Worcester-street, in Birmingham, Warwickshire, hardware-merchant; div.
- 1839, **WILSON** Thomas, and William Wilson, both of Liverpool, Lancashire, merchants and clothiers, trading under the firm of Wilson & Son; joint div. and sep. div. of T. Wilson.

**Gazette, Tuesday, May 27.**

**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

- BARNES** Leonard, of Redhall, in the parish of Bury, in the county of Lancaster, provision-dealer, *d. c.*—Official assignee, Fraser.—Sols. Johnson & Co. Temple, and Higson & Robinson, Manchester. Fiat, May 21. Pet. Cr. Thomas Manley Hesketh, of Bolton-le-Moors, provision-dealer.
- BROWN** John James, of Bury St. Edmunds, in the county of Suffolk, grocer, *d. c.*—Official assignee, Bell.—Sol. Taylor, Featherstone-buildings. Fiat, May 23. Bankrupt's own petition.
- BURNS** George Cornelius, of the borough of Devizes, in the county of Wilt, upholsterer, broker, *d. c.*—Official assignee, Hutton.—Sols. Dean & Co. St. Swithin's-lane, and Cox, Bath. Fiat, May 20. Bankrupt's own petition.
- DAVIS** William, of Compton, in the parish of Tettenhall, in the county of Stafford, butcher, *d. c.*—Official assignee, Whitmore.—Sols. Parkes & Co. Bedford-row, and Motteram & Co. Birmingham. Fiat, May 12. Pet. Cr. Christopher Callum, of Pattingham, Staffordshire, gent.
- HERNE** Thomas, of Cardiff, in the county of Glamorgan, draper, *d. c.*—Official assignee, Edwards.—Sol. Parker, St. Paul's-churchyard. Fiat, May 20. Pet. Cr. John Howell, Wynn Ellis, and William Everington, of St. Paul's-churchyard, warehousemen.
- LEWIS** Richard, of Ashford, in the county of Kent, carman and dealer.—Official assignee, Whitmore.—Sol. Anthony, Nicholas-lane. Fiat, May 22. Pet. Cr. John Coton, of New-street, Brompton, cowkeeper.
- POOLE** William, the elder, of Horton Lock, in the county of Buckingham, shopkeeper.—Official assignee, Green.—Sol. Hutson, Upper Clifton-street, Finsbury. Fiat, May 23. Bankrupt's own petition.
- TAYLOR** James, of Bromley, in the county of Middlesex, maltster, flour-factor, *d. c.*—Official assignee, Edwards.—Sols. Messrs. Marten & Co. Mincing-lane. Fiat, May 23. Bankrupt's own petition.

**CERTIFICATES to be allowed June 17.**

- Bayley Edward, of Cheswardine, apothecary.
- Closson Edward, of Lower Holborn, stationer.
- Green William, of Gorleston, cattle-dealer and brick-maker.
- Lowes Robert, of Sunderland, brewer.
- Warman Charles Frederick, of Houndditch, china-dealer.

**DIVIDENDS.**

## Date of Fiat.

- 1844, **AUSTIN** William, of Bell-street, Edgware-road, Middlesex, builder and carpenter; div.
- 1844, **BLOCKLEY** Richard, of Crewe, Cheshire, linen-draper, carrying on business there with Isaac Booth, also carrying on business as a draper, on his own account, at Market Drayton, Salop, as a trader indebted jointly with his said partner, Isaac Booth; div.
- 1843, **FARREN** James, of Nine Elms, Surrey, corn-dealer; div.
- 1841, **FORD** Thomas Henry, of Rochford, Essex, victualler; final div.
- 1845, **HAWARD** Charles Stephen, of Colchester, Essex, grocer and tallow-chandler; div.
- 1845, **HILL** Richard, of Exeter, currier; div.
- 1842, **HOLYLAND** Thomas, of Manchester, Lancashire, woollen-cloth manufacturer; div.
- 1845, **JARMAN** William Elworthy, of High-street, Exeter, confectioner; div.

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## Date of Fiat.

- 1842, **KIRKPATRICK** James, of Newport, Isle of Wight, Southampton, banker; div.
- 1841, **LOSH** William, and John Losh, of Manchester, Lancashire, and of Carlisle, calico-printers; final div.
- 1834, **LUCAS** Thomas Francis, late of Long Buckby, Northamptonshire, and also late of Leamington Priors, Warwickshire, coach-proprietor; div.
- 1840, **TEMPEST** Abraham, of Clayton Heights, in Bradford, Yorkshire, worsted-spinner and manufacturer; final div.
- 1844, **WATSON** Sarah Taylor, and William Byers, trading under the names, style and firm of Watson, Byers & Co. of Skinner-street, London, woollen and Manchester warehousemen; div.
- 1844, **WILE** Joseph, of Stafford, ironmonger; final div.

**Gazette, Friday, May 30.**

**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

- M'ALPINE** William, of Liverpool, in the county of Lancaster, tailor and draper.—Official assignee, Turner.—Sols. Bridger & Blake, London-wall, and Francis & Almond, Liverpool. Fiat, May 24. Pet. Cr. Thomas Smith, of Liverpool, butcher.
- SEARLE** Francis William, late of No. 9, Upper Gloucester-place, in the parish of Chelsea, in the county of Middlesex, cheesemonger, *d. c.*, now of No. 4, Adelaide-terrace, in the parish of Chelsea aforesaid, out of business.—Official assignee, Follett.—Sol. Townshend, Howland-street, Fitzroy-square. Fiat, May 27. Bankrupt's own petition.
- WENMAN** Thomas, now or late of Birmingham, in the county of Warwick, merchant, *d. c.*—Official assignee, Valpy.—Sols. Tyndall & Sons, Birmingham, and Rowland & Co. Threadneedle-street. Fiat, May 14. Pet. Cr. John Yates, of Aston, spoon-manufacturer.

**CERTIFICATES to be allowed June 20.**

- Burgess John, of Cratfield, farmer.
- Coward William, of Hartlepool, baker.
- Humm Samuel, of Brick-lane, hat-manufacturer.
- Ralph John, of Weston, innkeeper.
- Robinson Thomas, of Eccleston, lime-burner.
- Reeve John Thomas, of Gravesend, victualler.
- Soul Caleb, of Long-alley, Moorfields, grocer.
- Turner Henry, of Theobald's-road, cowkeeper.

**DIVIDENDS.**

## Date of Fiat.

- 1844, **FINLAYSON** John, late of No. 11, Ranelagh-street, Pimlico, Middlesex, grocer and tea-dealer; div.
- 1844, **GIBSON** Edward, of Kendal, Westmorland, builder, and of Dolwyddelan, Carnarvonshire, slate-merchant; div.
- 1842, **HILTON** Edward, and Nathaniel Walsh, both of Over Darwen, Lancashire, paper-makers; joint div.
- 1839, **INNES** John, of the Star Brewery, Earl's-court, Old Brompton, Middlesex, common brewer, and Charles Sharp Bracher, of the same place, and of Salisbury, Wiltshire, common brewer; div.
- 1844, **PIM** John, of Clapham-common, Surrey, and of Stoke Newington, Middlesex, linen-draper; div.
- 1844, **SMITH** Thomas Noel, the younger, of Lime-street, London, ship-owner, carrying on business under the firm of Noel Thomas Smith & Co.; final div.

**Gazette, Tuesday, June 3.**

**BANKRUPTS.****BANKRUPTCIES SUPERSEDED.**

- COOKE** Thomas, of Leicester, glove-manufacturer.
- SCHOLLES** George Barlow, of Lostock Hall, Lancashire, muslin manufacturer, heretofore carrying on business with John Alexander Fallerton, at Manchester, as muslin-manufacturers.

## TOWN AND COUNTRY FIATS.

- ASTLE** William, of Wolverhampton, in the county of Stafford, plumber, glazier and painter.—Official assignee, Bittleston.—Sols. Walker, Wolverhampton, and Capes & Co. Gray's Inn. Fiat, May 27. Pet. Crs. William Walford, of Wolverhampton, and Edward Walford, his partner, timber-merchants.
- BRADLY** John Penn, and George James Bradly, of Great Saint Helens, in the city of London, wine-merchants and copartners.—Official assignee, Whitmore.—Sols. Messrs. Harrison, Walbrook. Fiat, May 29. Pet. Cr. John Allnutt, sen., James Arbouin, and John Allnutt, jun., of Mark-lane, wine-merchants.
- CHURCH** Francis Harrington, of Southampton, in the town and county of Southampton, surgeon and apothecary.—Official assignee, Johnson.—Sol. Humphreys, Newgate-street. Fiat, May 28. Bankrupt's own petition.
- CLARKSON** William, of Redcross-street, in the city of London, boot and shoe manufacturer, *d. c.*—Official assignee, Groom.—Sol. Llewellyn, Noble-street, Cheapside. Fiat, May 23. Pet. Cr. Samuel Ward, of Lillypot-lane, Noble-street, warehouseman.
- DEMPSEY** John Church, of No. 18, Saint Augustine's-parade, in the city and county of Bristol, stationer, artists'-colourman, picture-dealer, and dealer in lamps and chandeliers.—Official assignee, Kynaston.—Sols. Galsworthy & Co. Cook's-court, and Gray, Bristol. Fiat, May 27. Bankrupt's own petition.
- FAWCETT** Stephen, of No. 68, Chiswell-street, in the county of Middlesex, linen-draper, *d. c.*—Official assignee, Groom.—Sols. Fawcett, Jewin-street, and at Hockley, Essex. Fiat, May 30. Pet. Crs. Edward Wentworth and Thomas Davies, of No. 160, Whitechapel, floor-cloth manufacturers.
- MATTHEWS** William, of No. 42, Lisson-grove North, in the parish of St. Marylebone, in the county of Middlesex, pianoforte-maker, *d. c.*—Official assignee, Pennell.—Sol. Weightman, Warwick-court, Gray's Inn. Fiat, May 24. Pet. Cr. John Young, of No. 18, Blandford-street, Manchester-square, ironmonger.
- MOHON** John, and Richard Simons, of No. 27, Mincing-lane, in the city of London, wine and spirit merchants, *d. c.*—Official assignee, Green.—Sol. May, Queen-square. Fiat, June 2. Pet. Cr. David Hart, of Fenchurch-street, wine and spirit merchant.
- PEARSON** Lazenby, of Newcastle-upon-Tyne, currier, leather-dealer, *d. c.*—Official assignee, Baker.—Sols. Williamson & Hill, Gray's Inn, and Ingledew, Newcastle. Fiat, May, 27. Bankrupt's own petition.
- PITT** John, of Drake-street, in the town of Plymouth, in the county of Devon, grocer and tea-dealer.—Official assignee, Hernaman.—Sols. Cross, Plymouth, Gregory & Co. Bedford-row, and Terrell, Exeter. Fiat, May 22. Pet. Cr. John Debill Tuckett, of Plymouth, merchant.
- YATES** John, of the Island of Guernsey, and of No. 22, York-road, Lambeth, in the county of Surrey, ship-owner, *d. c.*—Official assignee, Turquand.—Sols. Wood & Wickham, Corbet-court. Fiat, May 31. Bankrupt's own petition.

## CERTIFICATES to be allowed June 24.

- Rowe John Strudwick, of Newcastle-under-Lyne, draper.  
Ferguson William, of Liverpool, draper.  
Smith George Charles, of Kensington-park, builder.

## DIVIDENDS.

## Date of Fiat.

- 1844, **BARHAM** Richard, of Emsworth, Hants, linen-draper; div.
- 1844, **BRIGHT** Benjamin, of No. 40, Wigmore-street, St. Marylebone, Middlesex, licensed victualler, silversmith and jeweller; div.
- 1841, **BROCKLEHURST** George, Henry Dircks, and John Baillie Nelson, of Liverpool, Lancashire, millwrights, engineers and iron-founders; sep. div. of Dircks, and joint div.
- 1843, **CLARKE** John, and George Clarke, of Market Harborough, Leicestershire, and of Ropemaker-street, London, and of Burton Lattimer, Isham, and Spratton, Northamptonshire, carpet and rug manufacturers, surviving partners of Thomas Clarke, deceased; final div.
- 1844, **CRUMP** John, of Stanway, Gloucestershire, corn-dealer and miller; div.
- 1844, **CURRIE** Robert, of Newcastle-upon-Tyne, bookseller and stationer; final div.

## Date of Fiat.

- 1845, **FERGUSON** William, of Liverpool, Lancashire, draper and tea-dealer; div.
- 1839, **GOLBORNE** Thomas Boydel, and Arthur Acheson Dobbs, of Liverpool, Lancashire, wine-merchants; sep. div. of Dobbs.
- 1845, **GRANGER** William, of Relly Mill, Durham, paper-manufacturer; div.
- 1844, **HALL** John, of Willington West Farm, in Wallsend, Northumberland, cowkeeper; final div.
- 1842, **HAYWARD** John, of Milverton, Warwickshire, miller; final div.
- 1838, **HOADLEY** Samuel, of New Bond-street, St. George, Benvener-square, Middlesex, coach-maker; final div.
- 1843, **JACKSON** George, of Hertford, upholsterer and auctioneer; div.
- 1845, **MURCOTT** Cornelius, now or late of Birmingham, Warwickshire, factor and coal-dealer; div.
- 1845, **MURRAY** Peter, of Thomas street, Manchester, Lancashire, travelling draper; div.
- 1845, **NICOLAY** Lewis John, of St. George's-fields, Woolwich, Kent, draper; div.
- 1844, **OLIVER** William, of Darlington, Durham, printer, bookseller and stationer; final div.
- 1844, **TUCKER** Richard, of Dean-street, Westminster, farrier, *d. c.*; div.
- 1845, **WELCH** James, of the Coach and Horses, Ring Cross, Holloway, Middlesex, and of Chalgrave, Bedfordshire, licensed victualler and cattle-dealer; div.
- 1844, **WILLIAMSON** William Hutton, of Dowgate-hill, London, tobacconist; div.
- 1845, **WILSON** Joseph, of No. 114, Jermyn-street, St. James's, Westminster, boot-maker; div.
- 1840, **WOOD** Nicholas Price, of Burslem, Staffordshire, trading at Manchester, Lancashire, banker, one of the members, partners, shareholders, and proprietors of and in the banking company or copartnership carrying on trade at Manchester aforesaid, or elsewhere, under the title of the Imperial Bank of England; first and final joint div. of bankrupt and the Imperial Bank of England, first and final joint div. of bankrupt and J. I. Holden, and second and final sep. div. of bankrupt.

## Gazette, Friday, June 6.

## BANKRUPTS.

## BANKRUPTCY SUPERSEDED.

- COFFEE** Matthew, of Liverpool, victualler.

## TOWN AND COUNTRY FIATS.

- BURBURY** John, of the parish of Leek Wootton, in the county of Warwick, maltster, *d. c.*—Official assignee, Valpy.—Sols. Morris & Wallington, Warwick, Jones, Stareton, and Nelson, Gresham-place, Lombard-street. Fiat, May 27. Pet. Cr. James Dormer, of Ashen, Warwickshire, farmer.
- CARSCADEN** William Richard, of No. 66, Kirk-gate, in Leeds, in the county of York, hosier and lace-dealer, *d. c.*—Official assignee, Freeman.—Sols. Williamson & Hill, Gray's Inn, and Sykes, Leeds. Fiat, June 2. Bankrupt's own petition.
- CRABB** Job, of Hook Mills, in the parish of Chardstock, in the county of Dorset, hemp and flax manufacturer, *d. c.*—Official assignee, Hirtzel.—Sols. Templer & Son, Bridport, Terrell, Exeter, and Clowes & Co. Temple. Fiat, May 27. Pet. Crs. Thomas Alexander Mitchell and John Mitchell, of New Broad-street, merchant.
- DAVIS** John, of No. 3, St. Michael's-crescent, St. Michael's-hill, in the parish of St. Michael, in the city and county of Bristol, chemist and druggist.—Official assignee, Kynaston.—Sols. Haden, Bloomsbury-square, and Hopkins, Bristol. Fiat, June 2. Bankrupt's own petition.
- DE WILDE** Frederick Augustus, of Nos. 71, 72 and 73, Wells-street, Oxford-street, in the county of Middlesex, cabinet-ironmonger, brass-manufacturer, and window-blind maker.—Official assignee, Helcher.—Sols. Lawrance & Plews, Bucklersbury. Fiat, June 1. Bankrupt's own petition.
- GENT** Charles, and George Millar, of Broad-street, in the city of London, commission-merchants, *d. c.*—Official assignee, Alanger.—Sol. Lloyd, Milk-street. Fiat, May 19. Pet. Crs. William M'Adam, sen. and jun., of Glasgow, calico-printers.

**JONES** Edward Thomas, and Henry Morritt Crosskill, of Rochdale, in the county of Lancaster, booksellers, printers and stationers, *d. c.*—Official assignee, Stanway.—Sols. Smith, Chancery-lane, and Holgate & Roberts, Rochdale. Fiat, May 30. Bankrupt's own petition.

**NELSON** James Marks, of Liverpool, in the county of Lancaster, general broker.—Official assignee, Morgan.—Sols. Oliver, Old Jewry, and Evans, Liverpool. Fiat, May 27. Bankrupt's own petition.

**SMITH** John, of St. Dunstan's-hill, in the city of London, ship and insurance broker, *d. c.*—Official assignee, Follett.—Sols. Weir & Smith, Coopers' Hall. Fiat, June 3. Bankrupt's own petition.

**SMITH** John, of No. 59, London-street, Reading, in the county of Berks, grocer, *d. c.*—Official assignee, Edwards.—Sol. Lamb, Queen-street Chambers. Fiat, June 3. Pet. Cr. John Glanvell Lamb, of Reading, tallow-chandler.

**WALTERS** William, late of No. 23, Crawford-street, in the parish of St. Marylebone, in the county of Middlesex, silk-mercier, linen-draper and haberdasher, but now of No. 14, Harcourt-street, in the said parish of St. Marylebone, and county of Middlesex, assistant warehouseman.—Official assignee, Graham.—Sols. Galsworthy & Co. Cook's-court, and Gray, Bristol. Fiat, June 4. Bankrupt's own petition.

#### CERTIFICATES to be allowed June 27.

**Jarron** George, of Davies-street, Berkeley-square, builder.

**Brown** James, of Skinner-street, wholesale perfumer.

**Legg** Thomas, of Deptford, coal-merchant.

**Ierton** Daniel, of Lower Thames-street, fishmonger.

**Ladcliffe** Augustus, sen., and Augustus Radcliffe, jun., of Hermitage-place, St. John-street-road, glaziers.

**weaney** Charles Stewart, of Chester-place, Hyde-park-square, apothecary.

**odman** Joseph George, of Gray's Inn-lane, victualler.

**illiams** John, of Cardiff, draper.

#### DIVIDENDS.

ite of Fiat.

**43, ARGENT** Isaac, of No. 15, Fleet-street, London, victualler; div.

**41, BOHTE** Augustus, of Sackville-street, Piccadilly, Middlesex, tailor; div.

**41, BOTHAM** Eleanor, of Speenhamland, in Speen, Berkshire, innholder; final div.

**45, COUCHMAN** Isaac Thomas, of High-street, Kensington, Middlesex, and of Croxley-green, Rickmansworth, Hertfordshire, builder; div.

**5, HART** James, of Circus-street, Greenwich, Kent, builder; div.

**0, HEWLINGS** Stewart, and Charles Watling Wisbey, of George-yard, Lombard-street, London, bill-brokers; joint div., and sep. div. of Wisbey.

**5, HILL** Joseph, of Stroud, Gloucestershire, hatter; div.

**1, HODSON** Thomas Collins, of Leominster, Herefordshire, linen-draper; final div.

**1, JARRETT** Arthur, of No. 52, Castle-street, Southwark, Surrey, hat-manufacturer, carrying on business under the firm of Bowler & Jarrett; div.

**JEMMETT** George, of Long-acre, Middlesex, coach-maker; final joint div. of bankrupt, and Charles Scholes, his late partner, by order of the Court of Review.

**KENSINGTON** John Pooley, Edward Kensington, Henry Kensington, William Styan, and Daniel Adams, of London, bankers; divs.

**KIRBY** Thomas, of No. 36, New Bond-street, St. George, Hanover-square, Middlesex, oilman and confectioner; final div.

**KOLLMAN** George Augustus, of No. 67, St. Martin's-lane, Middlesex, pianoforte maker; div.

**MARTIN** Josiah, of No. 229, High-street, St. Leonard, Shore-ditch, Middlesex, tallow-chandler; div.

**PALMER** Benjamin Wymont, of Daventry, Northamptonshire, wine and brandy merchant, innkeeper and coach-proprietor; div.

**PUGSLEY** Daniel, of No. 16, Great Distaff-lane, London, warehouseman; div.

#### Date of Fiat.

**1843, ROBINSON** Christopher, of Great Trinity-lane, London, oil and colour merchant and drysalter, trading under the firm of Christopher Robinson & Co.; div.

**1843, SCOTT** William, of Regent-street, Middlesex, wine-merchant; div.

**1845; SIMPSON** Alexander Horatio, and Peter Hunter Irvin, of No. 233, Blackfriars-road, Christchurch, Surrey, engineers and axletree and pulley block manufacturers, trading under the name and firm of Simpson & Irwin & Co.; div.

**1837, SYMONDS** Samuel, of Basinghall-street, London, Blackwell-hall factor and warehouseman; div.

**1843, VINES** Jabez, of Reading, Berkshire, mealman, but now of Battersea, Surrey, miller and mealman; div.

**1843, VINES** Benjamin, of Poole, grocer; div.

**1845, WARD** Richard George, and John Perry, of Newgate-market, London, meat-salesmen, and also of No. 43, Gilbert-street, Oxford-street, Middlesex, butchers; div.

**1845, WILLIAMS** Henry, of Farringdon, Berkshire, grocer, tea-dealer and cheese-factor; div.

**1844, WOOD** John Freeman, of Holywell-street, Oxford, surgeon and apothecary; div.

**1843, YOUNG** William, of the Milford Nursery, near Godalming, Surrey, nurseryman and seedsman, and surviving partner of George Penny, deceased; div.

#### Gazette, Tuesday, June 10.

#### BANKRUPTS.

##### BANKRUPTCIES SUPERSEDED.

**BENT** Henry, of Brierly-hill, chain-maker.

**STAUNTON** William James Bernard, of Salvador House, Bishopsgate-street, wine-merchant.

##### TOWN AND COUNTRY FIATS.

**BYFORD** George, of Liverpool, in the county of Lancaster, wholesale grocer, *d. c.*—Official assignee, Cazenove.—Sols. Brady & Sons, Staple Inn, Holborn, and Carson, Liverpool. Fiat, June 4. Bankrupt's own petition.

**DALTON** Charles, of the Canal-bridge, Old Kent-road, in the county of Surrey, stone-mason, *d. c.*—Official assignee, Bell.—Sol. Braham, Chancery-lane. Fiat, June 7. Pet. Cr. Alexander Jones, of No. 2, Old Kent-road, bill-broker.

**ESTALL** George, of Holywell-street, Westminster, in the county of Middlesex, plasterer, *d. c.*—Official assignee, Whitmore.—Sol. Oriol, Alfred-place, Bedford-square.\* Fiat, June 6. Bankrupt's own petition.

**FISHER** James, of Norfolk-street, Lynn, in the county of Norfolk, spirit-merchant, *d. c.*—Official assignee, Johnson.—Sols. Homer & Son, Bridge-street, Southwark. Fiat, June 2. Pet. Cr. David Hart, of Fenchurch-street, wine-merchant.

**FISH** Robert, of Ventnor, in the Isle of Wight, plumber and glazier, *d. c.*—Official assignee, Belcher.—Sol. Parker, St. Paul's-churchyard. Fiat, May 31. Pet. Crs. John Purdue, of No. 152, High-street, Southwark, cheesemonger, and Henry Leake, executors of John Pile, deceased.

**GOODALL** George, of Ashton-under-Lyne, in the county of Lancaster, licensed victualler, and dealer in wines and spirits, now or lately carrying on business under the style and firm of Thomas Goodall & Son.—Official assignee, Pott.—Sols. Johnson & Co. Temple, and Snowball, Liverpool. Fiat, May 31.\* Pet. Cr. James Procter, of Much Woolton, and carrying on business at Liverpool, wine and spirit merchant, firm of James Procter & Company.

**HICKS** Charles Thomas, of No. 105, Upper Thames-street, in the city of London, and late in copartnership with Guilelmus Tertius Butterfield, at the Grove, Great Guildford-street, Southwark, in the county of Surrey, as drop-grinders and black-lead manufacturers.—Official assignee, Edwards.—Sols. Lawrance & Plews, Bucklersbury. Fiat, June 5. Pet. Cr. Henry Sebley Hodgson, of No. 29, Southampton-street, Strand, gent.

**JONES** Benjamin Samuel, of Wrockwadiene Wood, in the parish of Wrockwadiene, in the county of Salop, grocer, draper, provision dealer and beer-seller.—Official assignee, Christie.—Sols. Marcy, Wellington, and Staney, Birmingham. Fiat, June 3. Bankrupt's own petition.



PAYLER Thomas, of Pudsey, in the county of York, scribbling-miller, *d. c.*—Official assignee, Fearn.—Sols. Messrs. Wigglesworth & Co. Gray's Inn, and Upton & Clapham, Leeds. Fiat, May 31. Pet. Cra. James Sykes, William Sykes, and George Frederick Sykes, of Leeds, colliers.

#### *CERTIFICATES to be allowed July 1.*

Bradshaw James, of Camden-town, coal-merchant.  
Chrisp John, of Great Tower-street, wine-broker.  
Dalton James, of Salford, joiner.  
Dickinson George, of South Portman-mews, farrier.  
Griffiths Thomas, of Blaenifed, auctioneer.  
Harley Joseph, of Wolverhampton, plumber.  
Smithson Thomas, of York, tobacconist.  
Taverner Samuel, of Paddington, bricklayer.

#### *DIVIDENDS.*

Date of Fiat.

- 1838, CLEGG Elizabeth, late of Belfield Hall, afterwards of Moorhouse, and now of Waltham, all in Rochdale, Lancashire, cotton-spinner and flannel-manufacturer, widow and administratrix of all and singular the goods and chattels, rights and credits, which were of Edward Clegg, deceased; fur. div.
- 1843, FLETCHER John, of Maryport, Cumberland, boiler-manufacturer; final div.
- 1830, GORTON Thomas, the younger, of Grosvenor-row, Piccadilly, Middlesex, bookseller; final div.
- 1843, GRAHAM John, the younger, of Newcastle-upon-Tyne, spirit-merchant; final div.
- 1841, HADFIELD John, of Manchester, Lancashire, and of Bagbury, Cheshire, horse, cattle, corn, and flour dealer; fur. div.
- 1842, HOLROYD John, of Wheatley, near Halifax, Yorkshire, cotton-warp maker; fur. div.
- 1845, KEWLEY James, of Liverpool, Lancashire, tailor and draper; div.
- 1844, MARDALL John Whitly, of New Shoreham, Sussex, insurance-broker; div.
- 1844, REVELY Thomas, the younger, of Newcastle-upon-Tyne, plumber and brass-founder; first div.
- 1845, ROBINSON Thomas, of Eccleston, near Prescott, Lancashire, lime-burner, rope-manufacturer, carrier, and flat or barge and ship-owner, lately carrying on business in partnership with Robert Robinson, the younger, at Sutton, said county, under the style or firm of Robert and Thomas Robinson, as lime-burners, and also lately carrying on business with James William Glover and John Haddock, at Eccleston aforesaid, under the style or firm of Glover, Robinson & Haddock, as rope-manufacturers; div.
- 1845, VAUDEAU Louis Jean Baptiste, and Louis Onexine Benjamin Vaudeau, of No. 104, Wood-street, Chesham, London, dealers in artificial flowers; div.
- 1836, WOOLLETT Joseph, of Gould-square, London, merchant; div.

#### *Gazette, Friday, June 13.*

#### *BANKRUPTS*

##### *TOWN AND COUNTRY FIATS.*

- BRAITHWAITE John, of the borough of Morpeth, in the county of Northumberland, innkeeper.—Official assignee, Wakley.—Sols. Woodman, Morpeth, and Crosby & Compton, Church-court, Old Jewry. Fiat, June 7. Pet. Cr. John Creighton, of Morpeth, painter.
- CLIFTON Thomas, of Barnard Castle, in the county of Durham, printer, stationer and bookseller.—Official assignee, Baker.—Sols. Richardson, Barnard Castle, Tyas, Beaufort-buildings, and Ingle-dew, Newcastle. Fiat, June 4. Pet. Cr. Mary Softley, of Barnard Castle, widow.
- GIBBONS William, of Boardman-street, in Manchester, in the county of Lancaster, licensed victualler and publican.—Official assignee, Stanway.—Sols. Makinson & Sanders, Temple, and Atkinson & Saunders, Manchester. Fiat, June 11: Bankrupt's own petition.
- GREEN George How, and George Courthope Green, of Barge-yard, Bucklersbury, in the city of London, wholesale stationers and co-

partners in trade, *d. c.*—Official assignee, Edwards.—Sol. Woolen, Bucklersbury. Fiat, June 10. Pet. Cra. John Sidcombe Hazard and Thomas Roberts, of College-hill, paper-agents.

HILL John, of the Six Bells public-house, Queen-street, Hammer-smith, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Pennell.—Sols. Holmer & Son, Bridge-street, Southwark. Fiat, June 10. Pet. Cr. George Pay, jun., of New Kent-road, distiller.

MABBS James, the younger, of Chichester, in the county of Sussex, baker and corn-dealer, *d. c.*—Official assignee, Follett.—Sols. Sols & Turner, Aldermanbury. Fiat, June 11. Bankrupt's own petition.

SQUIERS John, of Carr-street, Ipswich, in the county of Suffolk, fruiterer, green-grocer and confectioner, *d. c.*—Official assignee, Turquand.—Sol. Hart, Lincoln's Inn-fields. Fiat, June 9. Pet. Cr. James Wing, of East-street, Spitalfields, fruiterer.

WOOD Henry, of Cheltenham, in the county of Gloucester, draper, *d. c.*—Official assignee, Alsager.—Sols. Tilleard & Son, Old Jewry. Fiat, June 4. Pet. Cra. John Chaffey and John Barnard Chaffey, of Queen-street, Cheapside, warehousemen.

WOOD Wilson, and John Holmes, of Maidstone, in the county of Kent, tea-dealers.—Official assignee, Graham.—Sols. Dods & Co. Billiter-street. Fiat, May 28. Pet. Cra. Francis Thomas Clarke and Richard Rowe, of Arthur-street West, tea-dealers.

#### *CERTIFICATES to be allowed July 4.*

Attwater William, of Devonshire-street, Queen-square, dyer.  
Bones Christopher, of Bath, shoe-maker.  
Breckels John, of North-street, Finsbury-market, bedstead-maker.  
Christie John, of Nottingham, stone-mason, (partner with James Rodgers).  
Dingley Thomas, of Stratton-ground, draper.  
Hall John, of Wallsend, cowkeeper.  
Hall William, of Claypath, grocer.  
MacWilliam James, of Gloucester, hosier.  
Mason Ambrose, of Bury St. Edmunds, coach-proprietor.  
Paulton John, of High-street, Portland-town, mason.  
Scott Joseph, of Liverpool, paper-dealer.  
Wagner George, of Bloomsbury-square, draper.

#### *DIVIDENDS.*

Date of Fiat.

- 1842, BUISSON John Francis, of Brabant-court, Philpot-lane, London, merchant; fur. div.
- 1845, CAWTHORN William, the younger, of Salisbury Wharf, Salisbury-street, Strand, Middlesex, wine-merchant; div.
- 1842, CROSSFIELD Abraham, of No. 91, Whitechapel-road, Saint Mary, Whitechapel, Middlesex, and also of Highlands Farm, in Comp, in Leybourne, Kent, scrivener and hop-planter; div.
- 1845, DALE William, of No. 109, London-wall, London, boot and shoe maker; div.
- 1844, DOTESIO Charles, of the Royal Hotel, Slough, Buckinghamshire, hotel-keeper and victualler; div.
- 1837, EMMETT John, and Arthur Emmett, of the Old Kent-road, Surrey, market-gardeners; final div.
- 1843, GIBBS James, of No. 42, Jermyn-street, St. James's, Westminster, scrivener and bill-broker; div.
- 1841, HALFORD Richard, William Henry Baldock, and Osborn Snoulen, of Canterbury, bankers; joint div., and sep. div. of Baldock.
- 1843, JENKYN Francis, and John Hay Hardyman, of Love-lane, Eastcheap, London, merchants and commission-agents; sep. div. of Jenkyns.
- 1830, KETTLE Charles, of Tunbridge Wells, Kent, brewer; div.
- 1843, KIPLING Robert, and William Atkinson, of Wood-street Cheapside, London, warehousemen; div.
- 1845, MAY Samuel, of No. 51, Myddelton-street, Clerkenwell, Middlesex, watch-manufacturer; div.
- 1845, PAYNE George, of King-street, Covent-garden, Middlesex, tailor and draper; div.
- 1845, POYNTER William, of Upper Holloway, Middlesex, carrying on business at No. 34, St. Paul's-churchyard, London, as warehouseman; div.
- 1845, REAY John, and John Robert Reay, of Mark-lane, London, wine-merchants, trading under the firm of John Reay & Co. div.
- 1843, WEBB Charles, of Oxford, apothecary; div.

## Date of Fiat.

- 1818, **ASKAM** Richard Dickon, late of Knottingley, Yorkshire, lime-burner and coal-merchant; final div.
- 1845, **BOOTH** James, of Brownhill, in Chatworth, parish of Kirkburton, Yorkshire, woollen-cloth manufacturer; first div.
- 1841, **BROWN** John, of Sheffield, Yorkshire, merchant and factor; fur. div.
- 1845, **HARDISTY** William, of Wakefield, Yorkshire, whitesmith and ironmonger; first div.
- 1845, **MARSHALL** Samuel, of Kingston-upon-Hull, builder; first div.
- 1844, **ROTHERY** George, of Wakefield, Yorkshire, currier and leather dealer; first div.
- 1845, **TUPPER** William Chalcraft, of Catherington, Hampshire, grocer, baker and draper; div.

Gazette, Tuesday, June 17.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

- BOND** Joseph, of Reading, in the county of Berks, grocer, d. c.—Official assignee, Groom.—Sols. Hill & Matthews, Bury-court, St. Mary Axe. Fiat, June 7. Pet. Crs. Thomas Brown and John Coggan Conway, of White Horse-yard, Friday-street, grocers.
- BROWN** William Lax, of Liverpool, in the county of Lancaster, merchant.—Official assignee, Bird.—Sols. Oliver, Old Jewry, and Evans, Liverpool. Fiat, June 12. Bankrupt's own petition.
- HILL** Thomas James, late of Minerva-terrace, Islington, in the county of Middlesex, and of No. 4, Cumberland-row, Islington, in the county of Middlesex, builder, and now of No. 23, Retreat-place, Hackney, in the county of Middlesex, out of business.—Official assignee, Alsager.—Sol. Smith, Wilmington-square. Fiat, June 12. Bankrupt's own petition.
- PESTELL** John, of Beeston, in the parish of Sandy, in the county of Bedford, corn-factor and market-gardener, d. c.—Official assignee, Belcher.—Sols. Johnson & Co. Temple, and Chapman, Biggleswade. Fiat, June 10. Pet. Crs. William Thomas Chapman, of Biggleswade, gent., and Alfred White and Elizabeth Ann White, executors of Thomas Yoxon, deceased.
- PETERS** John, of Kent-street, Haggerstone, in the county of Middlesex, fancy trimming manufacturer.—Official assignee, Green.—Sol. Llewellyn, Noble-street, Cheapside. Fiat, June 6. Bankrupt's own petition.
- SIMONS** John, the elder, of Camden Wharf, Camden-town, in the county of Middlesex, coal-merchant.—Official assignee, Turquand.—Sol. Cooper, Heathcote-street, Mecklenburgh-square. Fiat, June 13. Bankrupt's own petition.
- SLATER** Gilbert, of No. 10, London-terrace, Hackney-road, in the county of Middlesex, grocer and tea-dealer, d. c.—Official assignee, Pennell.—Sols. Shearman & Co. Great Tower-street. Fiat, June 16. Pet. Cr. Francis Slater, of No. 23, Great Tower-street, gent.
- SPENCE** Mary, and William Whitaker Spence, of the town and county of Newcastle-upon-Tyne, woollen-draper, now or lately carrying on trade in copartnership together under the style or firm of Mary Spence & Son.—Official assignee, Wakley.—Sols. Henderson, Mansell-street, Goodman's-fields, and Cram, Newcastle. Fiat, June 4. Pet. Cr. William Hill Stamp, of Ramsgate, and Brixton, gent.
- TALLENT** Alfred, the elder, of Ipswich, in the county of Suffolk, provision-dealer, general merchant, d. c.—Official assignee, Green.—Sols. Elmalie & Co. Moorgate-street. Fiat, June 7. Pet. Cr. Charles Henry Harben, of No. 8, High-street, Whitechapel, cheese-factor.
- THOMAS** Samuel, of No. 21, Cornhill, in the city of London, bullion merchant, d. c.—Official assignee, Groom.—Sols. Crowder & Co. Coleman-street. Fiat, June 12. Bankrupt's own petition.

7. BANKR.—1845.

**WILSON** Charles Dame, of No. 20, Saville-place, Mile-end, and Globe Wharf, Mile-end, in the county of Middlesex, builder and coal-merchant, d. c.—Official assignee, Bell.—Sols. Overton & Hughes, Old Jewry. Fiat, June 13. Pet. Cr. Henry Kilvington, of Ilford, Essex, brick-maker.

## CERTIFICATES to be allowed July 8.

Adie William, of Birmingham, button-maker, (partner with Richard Steadman).  
Hick John Atkinson, of Leeds, carver and gilder.  
Hollingsworth John, of Paddington-street, butcher.  
Jones James, of Chester, fellmonger.  
Meek William, of Southampton, ironmonger.  
Trevitt John, of Lapley, butcher.

## DIVIDENDS.

## Date of Fiat.

- 1831, **BANCKS** William, and James Bracey Perry, of Birmingham, Warwickshire, merchants; final div.
- 1842, **BUISSON** John Francis, of Brabant-court, Philpot-lane, London, merchant; fur. div.
- 1842, **CROSSFIELD** Abraham, of No. 91, Whitechapel-road, Saint Mary, Whitechapel, Middlesex, and also of Highlands Farm, in Comp, in Leybourne, Kent, scrivener and hop-planter; div.
- 1844, **DOTESIO** Charles, of the Royal Hotel, Slough, Buckinghamshire, hotel-keeper and victualler; div.
- 1837, **EMMETT** John, and Arthur Emmett, of the Old Kent-road, Surrey, market-gardeners; final div.
- 1844, **FORREST** James Alexander, of Liverpool, Lancashire, glass-merchant and paint manufacturer; div.
- 1840, **HILTON** Daniel, of Greenacres Moor, within Oldham, Lancashire, cotton-spinner; second div.
- 1843, **JENKYN** Francis, and John Hay Hardyman, of Love-lane, Eastcheap, London, merchants and commission-agents; sep. div. of Jenkyns.
- 1829, **JOHN** Samuel, late of Penzance, Cornwall, money-scrivener; div.
- 1845, **ISHERWOOD** George Frederick Stanley, of Hulme, within Manchester, Lancashire, engraver to calico-printers; div.
- 1843, **KIPLING** Robert, and William Atkinson, of Wood-street, Cheapside, London, warehousemen; div.
- 1844, **METCALF** James, of Liverpool, Lancashire, grocer and provision dealer; div.
- 1841, **MILLS** Aaron, of Ashton-under-Lyne, Lancashire, and William Grimshaw Seed, of Manchester, Lancashire, cotton-manufacturers, carrying on business at Ashton-under-Lyne aforesaid, under the style or firm of Aaron Mills & Co.; sep. div. of Seed.
- 1839, **PARKER** Thomas Lane, of Edgbaston, Warwickshire, coal-merchant; final div.
- 1845, **REAY** John, and John Robert Reay, of Mark-lane, London, wine-merchants, trading under the firm of John Reay, sen. & Co.; div.
- 1845, **SHAW** George, of Manchester, Lancashire, cotton-spinner; first div.
- 1843, **WEBB** Charles, of Oxford, apothecary; div.

Gazette, Friday, June 20.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

**BROGDEN** Charles, of the city of Lincoln, bookseller, stationer, printer and publisher, d. c.—Official assignee, Hope.—Sols. Scott & Tahourdin, Lincoln's Inn-fields, Moore, Lincoln, and Payne & Co. Leeds. Fiat, June 16. Pet. Cr. Thomas Melton, of Lincoln, innkeeper.

**COMMINS** John, of Weymouth, in the county of Dorset, bookseller and stationer.—Official assignee, Hirtzel.—Sols. Steggall, Weymouth, Head, Exeter, and Sowton, Great James-street. Fiat, June 7. Pet. Crs. John Renshaw and George Buchanan Kirkman, of Budge-row, wholesale stations.

**CONNETT** William, of the city of Exeter, in the county of Devon, cabinet-maker, *d. c.*—Official assignee, Johnson.—Sols. Soles & Turner, Aldermanbury. Fiat, June 11. Pet. Cr. John Swinford Bassett, of Wood-street, warehouseman.

**CRABTREE** John, and William Turnley, both of Tunstead, in the forest of Rossendale, in the county of Lancaster, woollen-manufacturers, *d. c.* and copartners.—Official assignee, Hobson.—Sols. Milne & Co. Temple, and Buck & Eastwood, Burnley. Fiat, June 9. Pet. Crs. Richard and James Howard, of Burnley, worsted-spinners.

**CUTCLIFFE** Charles Newell, of Pilton, near Barnstaple, in the county of Devon, surgeon and apothecary.—Official assignee, Hernaman.—Sols. Comins, Tiverton, and Watts & Co. Ely-place. Fiat, June 17. Pet. Cr. James Whitefield, of Barnstaple, draper.

**ISHERWOOD** James, of Bolton, in the county of Lancaster, innkeeper.—Official assignee, Fraser.—Sols. Gregory & Co. Bedford-row, Taylor & Westmorland, Wakefield, and Bellhouse, Manchester. Fiat, June 6. Pet. Cr. Samuel Norcliffe, of Wakefield, maltster.

**KOHNE** Henry, of Laurence Pountney-lane, in the city of London, and of No. 8, Dorchester-place, New North-road, in the county of Middlesex, wholesale stay-manufacturer, *d. c.*—Official assignee, Whitmore.—Sol. Cox, Finner's ball. Fiat, June 11. Bankrupt's own petition.

**SMITH** Thomas Clerc, and Richard Hayes, both of No. 13, Henrietta-street, Covent-garden, in the county of Middlesex, hotel-keepers and copartners.—Official assignee, Whitmore.—Sols. Potter & Collingridge, Basinghall-street. Fiat, June 17. Pet. Cr. Robert Paris, of No. 32, Bouverie-street, upholsterer.

**SMITH** Edward, of No. 205, Regent-street, in the county of Middlesex, auctioneer, *d. c.*—Official assignee, Edwards.—Sol. Hughes, Bedford-street, Covent-garden. Fiat, June 17. Pet. Cr. John Pook, of Bedford-street, Covent-garden, gent.

**THOMPSON** Thomas, of Northampton, in the county of Northampton, bill-broker, scrivener, *d. c.*—Official assignee, Alsager.—Sol. Norcutt, Queen-street. Fiat, June 16. Pet. Cr. George Wheeler, of Croydon, pawnbroker.

#### *CERTIFICATES to be allowed July 11.*

Bailey Thomas, and John Bailey, of King's-cliffe, toy-dealers.  
Brown Edward, of Birmingham, merchant.  
Lambert John, of Portsmouth-street, victualler.  
Staunton William James Bernard, of Bishopsgate-street Without, wine-merchant, (partner with George Pile).  
Weston Thomas, of Southampton, plumber.  
Woolfall Richard, of Warrington, butcher.  
Wigglesworth John, of Leeds, cheese-factor.

#### *DIVIDENDS.*

Date of Fiat.

1841, **ANTON** George, and George Duncan Mitchell, of the Corn Exchange, Mark-lane, London, corn-factors; joint div.

1845, **COOK** Henry Polley, of Coggeshall, Essex, licensed victualler and brewer; div.

1845, **CURRIE** John, and Louis Elise Seignette, of No. 26, Mincing-lane, London, merchants; joint div.

1845, **GARDNER** George, of Gravesend, Kent, tavern-keeper; div.

1844, **HITCHEN** Henry, of Halifax, Yorkshire, ironmonger; div.

1844, **M'DONELL** George, trading under the names, style, and firm of Dillon & M'Donell, of Mincing-lane, London, wine and spirit broker and trader; div.

1837, **MILNES** Thomas Brown, and Robert Cowen, of Nottingham, iron and brass founders and ironmongers; final div. of Milnes.

1840, **WILKINSON** John, late of Brymbo, Denbighshire, ironmaster; div.

*Gazette, Tuesday, June 24.*

#### *BANKRUPTS.*

##### *TOWN AND COUNTRY FIATS.*

**BOWLES** George, and Joseph Pain Pocklington, of No. 20, Newgate-street, in the city of London, and of Grafton Cottage, Hornsey-road, in the county of Middlesex, carrying on business at No. 20, Newgate-street aforesaid, as meat salesmen and butter salesmen, *d. c.* and copartners.—Official assignee, Groom.—Sol. Young, Warwick-square. Fiat, June 23. Pet. Cr. Robert Pocklington, of York-terrace, City-road, meat-salesman.

**COLLEDGE** Matthew, of Brinklow, in the county of Warwick, coal merchant.—Official assignee, Bittleston.—Sol. Smith, Birmingham. Fiat, June 18. Bankrupt's own petition.

**HILDITCH** William, late of Denbigh, in the county of Denbigh, now of Fachwen, in the parish of St. Asaph, in the county of Flint, grocer, druggist, oil and colourman, *d. c.*—Official assignee, Morgan.—Sols. McGregor, Suffolk-street, Pall-mall, Evans, Denbigh, and Evans, Liverpool. Fiat, June 17. Bankrupt's own petition.

**LEJEUNE** William Rickman, of the town and county of the town of Southampton, corn and manure merchant, *d. c.*—Official assignee, Pollett.—Sols. Smith & Atkins, Serjeants' Inn, and Markey & Girdlestone, Southampton. Fiat, June 16. Pet. Cr. William Hazelton, of Southampton, merchant.

**MORTON** William, of Railway-place, Fenchurch-street, in the city of London, gas-fitter, *d. c.*—Official assignee, Whitmore.—Sols. Loveland & Co. Symond's Inn. Fiat, June 23. Bankrupt's own petition.

**MOSSMAN** William, of No. 14, Clarke's-place, High-street, Islington, in the county of Middlesex, fancy-stationer and toyman.—Official assignee, Graham.—Sols. Wright & Co. Golden-square. Fiat, June 11. Pet. Crs. Robert and William Caldwell, of No. 34, Paternoster-row, warehousemen.

**RIDD** Francis, formerly of Barnstaple, in the county of Devon, then of Bridgewater, in the county of Somerset, and now of Neather Stowey, near Bridgewater, in the said county of Somerset, surgeon and apothecary, *d. c.*—Official assignee, Hirtzel.—Sols. Boyle, Clement's Inn, Smith. jun., Bridgewater, and Stogdon, Exeter. Fiat, June 18. Bankrupt's own petition.

**WALKER** James, the younger, of Leeds, in the county of York, butcher, *d. c.*—Official assignee, Fearn.—Sols. Mitton & Neale, Southampton-buildings, and Dunning & Stawman, Leeds. Fiat, June 20. Bankrupt's own petition.

#### *CERTIFICATES to be allowed July 15.*

Dodd Thomas Steward, of Liverpool, innkeeper.  
Farrand Mary, of Almondbury, widow, (partner with George Robinson, of Huddersfield, surgeon, as fancy-cloth manufacturers at Almondbury).  
Robinson Edward Edwards, of Wolverhampton, grocer.  
Sprague John Warden, of Poole, grocer.  
Ward Richard George, and John Perry, of Newgate-market, meat-salesmen.  
Webb Bloomfield, of High-street, Southwark, cheesemonger.  
Weightman John, of Northampton, wharfinger and sawyer.

#### *DIVIDENDS.*

Date of Fiat.

1819, **ABRAM** Richard, of Liverpool, Lancashire, merchant; final div.

1839, **BARRON** George, of Davies-street, Berkeley-square, Middlesex, builder; final div.

1844, **BRIDICK** William Barrett, of Durham, dealer in iron and steel, trading under the style or firm of Briddick & Co.; div.

1844, **BRIDICK** Joseph, the younger, of Durham, bookseller and stationer; div.

1842, **CARR** William, and John Coull Carr, carrying on business as merchants, in Sunderland, Durham; joint div.

1840, **HILL** James, of Wisbeach St. Peter's, Isle of Ely, Cambridge-shire, and Thomas Hill, of Peterborough, Northamptonshire, merchants; joint div.

## Date of Fiat.

- 1845, LAMB John, and Thomas Lamb, engineers and machinists, of Kidderminster, Worcestershire; div.
- 1845, MARTYN Charles, of Durham, linen-draper; div.
- 1844, PRITCHARD Edward, of Liverpool, Lancashire, wine and spirit merchant; div.
- 1831, RISDON John, of Exeter, bookseller; div.
- 1845, ROBINSON Edward Edwards, of Wolverhampton, Staffordshire, grocer; div.
- 1841, STEVENS John, and Robert Horatio William Drummond, of Rhodeswell Wharf, Mile-end, Middlesex, road-contractors and carmen; final sep. div. of Stevens.
- 1842, WILLIAMS William, of Goudhurst, Kent, wheelwright; div.

Gazette, Friday, June 27.

## BANKRUPTS.

## BANKRUPTCY SUPERSEDED.

HERNE Thomas, of Cardiff, draper.

## TOWN AND COUNTRY FIATS.

CARR Richard, of No. 112, Fore-street, in the city of London, cheesemonger.—Official assignee, Pennell.—Sol. Gauntlett, Gray's Inn-place. Fiat, June 24. Pet. Cr. George Pensam, of Newgate-street, cheesemonger.

FORRESTER James, of Hampstead, in the county of Middlesex, baker, *d. c.*—Official assignee, Johnson.—Sols. Vandercom & Co. Bush-lane. Fiat, June 17. Pet. Crs. Franklin Haggard, of Hertford, miller, John George Fordham, of Cambridge, banker, and David Brown Haggard, of Hertford, miller, executors of Thomas Nealy Haggard, deceased.

GREENWELL William, of No. 80, Redcross-street, Southwark, in the county of Surrey, wheelwright, *d. c.*—Official assignee, Green.—Sol. Wellborne, Tooley-street. Fiat, June 24. Bankrupt's own petition.

LORAIN Fenwick, of the borough and county of Newcastle-upon-Tyne, bookseller and stationer, *d. c.*—Official assignee, Baker.—Sols. Shield & Harwood, Queen-street, and Chartres, Newcastle-upon-Tyne. Fiat, June 16. Pet. Cr. Robert Robinson, of Newcastle-upon-Tyne, wholesale stationer.

MAY Samuel, and Pryce Mottram, of Shrewsbury, in the county of Salop, drapers, *d. c.* and copartners.—Official assignee, Pennell.—Sol. Goddard, Wood-street. Fiat, June 16. Pet. Crs. Peter Jackson and Joseph Watson, of Wood-street, silk-warehousemen.

MAY William, of Scotland-road, Liverpool, in the county of Lancaster, draper and hosier, *d. c.*—Official assignee, Turner.—Sols. Reed & Shaw, Friday-street, and Sale & Worthington, Manchester. Fiat, June 20. Pet. Cr. Thomas Smith, of Manchester, linen-merchant.

PAINE Charlotte, of Eastgate-street, in Lewes, in the county of Sussex, plumber, painter and glazier, *d. c.*—Official assignee, Groom.—Sols. Sowton, Great James-street, and Messrs. Blaker, Lewes. Fiat, June 24. Bankrupt's own petition.

THOMAS Edward, of Clifton-place, in the parish of Clifton, in the city of Bristol, wine and spirit merchant, brewer, grocer, lodging-house keeper, *d. c.*—Official assignee, Miller.—Sol. Haberfield, Bristol. Fiat, June 17. Bankrupt's own petition.

WESTMORE Robert, of West Derby, near Liverpool, in the county of Lancaster, joiner and builder.—Official assignee, Casenove.—Sols. Gregory & Co. Bedford-row, and Payne, Liverpool. Fiat, June 24. Bankrupt's own petition.

## CERTIFICATES to be allowed July 18.

Evans Joseph, of Bourton on the Hill, innkeeper.

Firth Charles Mousley, of St. Michael's-alley and North Brixton, lithographic printer.

Poster Edward, of Sheffield, grocer and tallow-chandler.

Hardisty William, of Wakefield, whitesmith.

Higgins William, and Thomas Higgins, of Old Bond-street, hosiers.

Hyatt John, of Pimlico, victualler.

Nicholson John, of Blackburn, draper and tea-dealer.

Price John, of Oaken-gates, draper.

Rees Thomas Popkins, of Crooked-lane Chambers, iron merchant.

Robinson Benjamin, of Burton-upon-Trent, draper.

Shaw George, of Oldham, cotton-spinner.

Stuart Thomas Strutt, jun., of Liverpool, drysalter.

Wilkinson Thomas, of Hartlepool, draper.

## DIVIDENDS.

## Date of Fiat.

- 1834, ATKINSON Thomas, late of Chatham, Kent, but now of Gloucester, chemist and druggist; div.
- 1835, BEARD John, of Deptford, Kent, builder; div.

Gazette, Tuesday, July 1.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

BENTALL Thornton, of Cophall Chambers, in the city of London, stock and share broker and money-scrivener, *d. c.*—Official assignee, Alsager.—Sols. Messrs. Thomas & Co. Cloak-lane. Fiat, June 23. Pet. Cr. John Grant, of No. 75, Fleet-street, watchmaker.

BINDLEY John, of Atherstone, in the county of Warwick, hosier.—Official assignee, Christie.—Sols. Smith, Birmingham, and Jackson, Field-court, Gray's Inn. Fiat, June 23. Bankrupt's own petition.

BROWN Thomas, of No. 19, Billiter-street, in the city of London, manufacturer of gryll's whelp, *d. c.*, carrying on business in copartnership with Donald Brown, of the same place.—Official assignee, Edwards.—Sols. Fawcett, Jewin-street, and Hockley. Fiat, June 28. Pet. Crs. Christopher J. Redpath and John Brown, of Commercial-road East, ironmongers.

CLARKSON Thomas, the younger, of No. 10a, Charles-street, Middlesex Hospital, in the county of Middlesex, upholsterers' warehouseman.—Official assignee, Alsager.—Sol. Ford, Bloomsbury-square. Fiat, June 27. Pet. Cr. Thomas Small, of No. 187, High Holborn, mineral teeth manufacturer.

COLEMAN William, of Crediton, in the county of Devon, victualler.—Official assignee, Hernaman.—Sols. Davies & Son, Warwick-street, London, Francis, Crediton, and Stogdon, Exeter. Fiat, June 23. Pet. Cr. William Snow, of Crediton, maltster.

FLYNN William George, of No. 84, Lower Thames-street, in the city of London, merchant.—Official assignee, Belcher.—Sols. Amory & Co. Throgmorton-street. Fiat, June 23. Pet. Crs. James Rundell, Henry Rundell, and Charles Rundell, of Queenhithe, coal-merchants.

HAYCOCK Joseph, the younger, late of Old Broad-street, in the city of London, but now of Wells, in the county of Norfolk, corn-factor, maltster, *d. c.*—Official assignee, Graham.—Sols. Stevens & Co. Queen-street. Fiat, June 16. Pet. Cr. Emanuel Cooper, of No. 71, Lombard-street, banker, one of the registered public officers of the London and Commercial Banking Company.

WAKEFIELD Christopher, late of Hampton Wick, in the county of Middlesex, licensed victualler, wine-merchant, *d. c.*—Official assignee, Pennell.—Sol. Parrell, New North-street, Red Lion-square. Fiat, June 30. Bankrupt's own petition.

WITCHELL Henry James, of Carnarvon, in the county of Carnarvon, bookseller and stationer, *d. c.*—Official assignee, Bird.—Sols. Clarke & Co. Old Bailey, and Lowndes & Co. Liverpool. Fiat, June 27. Pet. Crs. William Cooper, jun., Sir James Williams, knight, William Cooper, Cornelius Boyle, and Thomas Cooper, of West Smithfield, wholesale stationers.

WOLTON James Cousens, of Halsted, in the county of Essex, ironmonger.—Official assignee, Green.—Sols. Gale, Basinghall-street, and Parker, Chelmsford. Fiat, June 27. Bankrupt's own petition.

*CERTIFICATES to be allowed July 22.*

- Atkinson Anthony, and Francis Atkinson, of Newcastle, colour-manufacturers.  
 Dolbell Lawrence Daniel, of Lower Mitcham, dyer.  
 Holdforth David, of Stratford, grocer.  
 Holt John, of Charlesworth, cotton-spinner, (partner with James and John Nield).  
 Jones John, of Pinchbeck, butcher.  
 Overend Thomas, of Walcot-square, maltster.  
 Till Charles, of Salisbury and Andover, linen-draper.  
 Wright Peter, of Leeds, grocer.

*DIVIDENDS.**Date of Fiat.*

- 1845, **AYTON** Joseph Jobling, of South Shields, Durham, linen-draper; div.  
 1845, **BALDWIN** Edmund, and Richard Garrett, of Henfield, Sussex, linen-draper, grocers, and tea-dealers; div.  
 1832, **BOWER** William, of Levenshulme, near Manchester, Lancashire, cotton-spinner and manufacturer; fur. div.  
 1842, **BURDEKIN** Edmund, of Manchester, Lancashire, banker; fur. div.  
 1845, **CARTER** George John, of Hornsey Cottage, Hornsey-road, Middlesex, carpenter and builder; div.  
 1845, **CHRISP** John, of Great Tower-street, London, wine and spirit broker, carrying on business under the style of Chrisp & Co.; div.  
 1826, **COATES** William, the elder, and William Coates, the younger, of Newcastle-upon-Tyne, wine and spirit merchants; final joint div.  
 1845, **GEE** George Walker, and John Fearné Gee, both of Leeds, Yorkshire, and of Horsforth, same county, drapers; first div.  
 1841, **GIBB** William, of Alnwick, Northumberland, currier; final div.  
 1844, **HERON** Edward, of Hartlepool, Durham, butcher and ship-owner; final div.  
 1845, **LAMB** John, and Thomas Lamb, engineers and machinists, of Kidderminster, Worcestershire; div.  
 1845, **LEWIS** Charles, of Bath, Somersetshire, innkeeper and licensed victualler; div.  
 1841, **MYERS** John Kirkley, of Sunderland, Durham, victualler; final div.  
 1840, **SPEDEN** John, of North Shields, Northumberland, spirit-merchant; final div.  
 1845, **UNDERWOOD** William, of No. 213, High-street, Southwark, Surrey, grocer and tea-dealer; div.  
 1839, **WALLER** Thomas, Samuel Waller, Thomas Waller, the younger, William Waller, and Ralph Knowles Waller, of Manchester, Lancashire, cotton-spinners and manufacturers; div. as partners in the joint-stock banking company, under the firm of the Imperial Bank of England.  
 1840, **WARDEN** John Ewan, and Vincent Wanostrocht, both of Liverpool, Lancashire, merchants; div.

*Gazette, Friday, July 4.**BANKRUPTS.**TOWN AND COUNTRY FIATS.*

- ARMSTRONG** Robert, of Newcastle-upon-Tyne, shipwright.—Official assignee, Wakley.—Sols. Williamson & Hill, Gray's Inn, and Ingledew, Newcastle. Fiat, June 16. Pet. Crs. John Abbott, John George Abbott, and William Brown, of Gateshead, iron-founders.  
**BOUSFIELD** Thomas, of the city of Lincoln, ironmonger and brazier, d. c.—Official assignee, Young.—Sols. Williamson & Hill, Gray's Inn, Moore, Lincoln, and Payne & Co. Leeds. Fiat, June 23. Pet. Crs. Abel Smith, Henry Smith, Richard Ellison, and the Hon. Alexander Leslie Melville, of Bristol, bankers.  
**BROOK** George, of East Parade, in Huddersfield, in the county of York, dyer.—Official assignee, Freeman.—Sols. Tindal, Huddersfield, and Cronhelm, Leeds. Fiat, June 27. Bankrupt's own petition.

**LEWIS** Joseph, of Birmingham, in the county of Warwick, card and pasteboard and coloured paper manufacturer, d. c.—Official assignee, Whitmore.—Sols. Mottram & Knowles, Birmingham, and Parkes & Co. Bedford-row. Fiat, June 26. Bankrupt's own petition.

**PEMELLER** Thomas, of No. 31, Tysoe-street, Spa-fields, in the county of Middlesex, coal-merchant and bill discounter.—Official assignee, Pennell.—Sol. Lewis, Wilmington-square. Fiat, July 1. Pet. Cr. William Anderson, of No. 12, Chadwell-street, St. John-street-road, surgeon.

**STONEHOUSE** John, of Scarborough, in the county of Yot, mercer and draper, hosier, d. c., trading under the style or firm of J. & C. Stonehouse.—Official assignee, Hope.—Sols. Reed & Shar, Friday-street, and Sale & Worthington, Manchester. Fiat, June 25. Pet. Cr. John Ryland, of Manchester, trading under the firm of Ryland & Sons.

**WYATT** Thomas Henry, of Banbury, in the county of Oxford, common brewer, wine and spirit merchant and maltster.—Official assignee, Edwards.—Sol. Sharp, Verulam-buildings. Fiat, July 2. Bankrupt's own petition.

*CERTIFICATES to be allowed July 25.*

- Cawthorn William, jun., of Salisbury Wharf, Strand, wine-merchant.  
 Crowther John, of Huddersfield, corn-miller.  
 Gordon James Brodie, and Robert Gordon, of Poplar, cooper.  
 May Samuel, of Myddelton-street, watch-manufacturer.  
 Phillips George, of Leicester, d. c.  
 Rogers Charles, of Bishopsgate-street Within, saddler.  
 Schofield James, of Oldham and Greenacres Moor, grocer.  
 Thurlow Robert, of Southampton, oil-merchant.  
 Tolson Joseph, of Huddersfield, fancy-cloth manufacturer, (partner with John Sunderland Tolson).  
 Watson Christopher, jun., of Darlington, tea-dealer.  
 Williams William, of High-street, St. Giles's, victualler.

*DIVIDENDS.**Date of Fiat.*

- 1845, **BATT** John, and Thomas Batt, of Old Broad-street, London, dealers in silk and silkmens; div.  
 1844, **FERNANDES** Joze Luis, Nowell Luis Fernandes, and Joze Luis Fernandes, the younger, all of Wakefield, Yorkshire, trading together as corn-millers and merchants, under the firm of J. L. Fernandes & Sons; third and final joint div., and fourth and final sep. div. of J. L. Fernandes.  
 1845, **GREENWOOD** Richard, of Bradford, Yorkshire, bookseller and stationer; second and final div.  
 1843, **HARMAN** John, of the Meadowbank Brewery, Whitefriars, London, and of the Meadowbank Brewery, in or near Edinburgh, in Scotland, and of Chester-street, Middlesex, common brewer; div.  
 1844, **HAYNES** Henry, of Scole, Norfolk, innkeeper, wine and spirit merchant, and coach-proprietor; div.  
 1842, **HUMPHREY** Thomas, the elder, and Thomas Humphrey, the younger, both of Kingston-upon-Hull, shipwrights, trading under the firm of Humphrey & Co.; div.  
 1816, **HUMPHREYS** James, of Birmingham, Warwickshire, merchant and toy watch maker; final div.  
 1843, **HUNT** Charles John, of No. 21, Cork-street, Burlington-gardens, of No. 64, St. James's-street, and of No. 107, Quadrant, Regent-street, all in Middlesex, billiard-table maker; div.  
 1845, **JOHNSTONE** Laing, of Hammer-smith, Middlesex, wine-merchant, and of Hounslow, said county, victualler; div.  
 1844, **LIBBIS** Samuel, of Stratton St. Mary, Norfolk, innkeeper; div.  
 1841, **RADFORD** Elizabeth Caroline, Joshua Radford, and Joseph Radford, of Manchester, Lancashire, iron-founders, iron-mongers, trading in the name of Radfords & Co.; final joint div., and sep. div. of E. C. Radford.  
 1844, **TOMKINSON** Michael, of Kidderminster, Worcestershire, linen-draper; final div.  
 1841, **WILLIAMS** George, of Aldgate, London, and of New Kingston, Surrey, linen-draper; div.  
 1845, **WITHERS** Thomas Richard, of Rumbidge, in Eling, Southampton, merchant; div.

*Gazette, Tuesday, July 8.*

### BANKRUPTS.

#### TOWN AND COUNTRY FIATS.

**GARDNER** James Maslin, of Liverpool, in the county of Lancaster, wine and brandy merchant.—Official assignee, Morgan.—Sols. Bridger & Blake, London-wall, and Dodge, Liverpool. Fiat, July 3. Pet. Cr. John Hall, of Liverpool, corn-merchant.

**HARRIS** Henry, of No. 8, Champion-grove, Camberwell, and of No. 2, Cole-street, Dover-road, Newington, both in the county of Surrey, hide and skin salesman, *d. c.*—Official assignee, Alsager.—Sol. Silvester, Great Dover-street. Fiat, July 5. Bankrupt's own petition.

**JONES** Charles, of Adstock, in the county of Buckingham, salesman and pig-dealer, *d. c.*—Official assignee, Whitmore.—Sols. Blower & Co. Lincoln's Inn-fields. Fiat, July 5. Bankrupt's own petition.

**KESSELMAYER** Charles William, of Manchester, in the county of Lancaster, merchant.—Official assignee, Fraser.—Sols. Makinson & Sanders, Temple, and Atkinson & Saunders, Manchester. Fiat, July 5. Bankrupt's own petition.

**NELL** William, of Ardwick, and of Manchester, both in the county of Lancaster, common brewer and wine and spirit merchant, *d. c.*—Official assignee, Fraser.—Sols. Hitchcock & Co. Manchester, and Gregory & Co. Bedford-row. Fiat, July 2. Pet. Cr. Thomas Jones, of Manchester, wine and spirit merchant.

**NEWELL** Charles, of Idle, in the parish of Calverley, in the county of York, linen-draper, *d. c.*—Official assignee, Freeman.—Sols. Williamson & Hill, Gray's Inn, and Cariss, Leeds. Fiat, July 4. Bankrupt's own petition.

**POCOCK** George, of Brighton, in the county of Sussex, linen-draper, *d. c.*—Official assignee, Whitmore.—Sols. Reed & Shaw, Friday-street. Fiat, July 2. Pet. Crs. Sampson Copestake, Richard Crocock, and George Moore, of Bow-churchyard, lace-manufacturers.

**REECE** James, of Axminster, in the county of Devon, ironmonger, *d. c.*—Official assignee, Hirtzel.—Sols. Holme & Co. New Inn, Knight, Axminster, and Messrs. Warren, Exeter. Fiat, June 30. Pet. Cr. George Shore, of Axminster, gent.

**ROBINSON** Joseph, of Bradford, in the county of York, stuff and woollen printer, *d. c.*—Official assignee, Young.—Sols. Sudlow & Co. Chancery-lane, and Middleton, Leeds. Fiat, July 5. Bankrupt's own petition.

**ALABERT** Mathew Francis, of No. 7, Opera Colonnade, Haymarket, in the county of Middlesex, hatter.—Official assignee, Follett.—Sols. Yonge & Hancock, Tokenhouse-yard. Fiat, June 27. Bankrupt's own petition.

**POTT** William, of Manchester, in the county of Lancaster, grocer, *d. c.*—Official assignee, Pott.—Sols. Humphreys & Co. Chancery-lane. Holden & Clarke, Liverpool, and Hampson & Son, Manchester. Fiat, June 24. Pet. Cr. Edward Steele, of Liverpool, soap-manufacturer, trading under the firm of Matthew Steele & Son.

**ENCER** Jonas, of Denholm Carr, in Thornton, in the parish of Bradford, in the county of York, worsted-piece manufacturer, *d. c.*—Official assignee, Young.—Sols. Emmett & Allen, Bloomsbury-square, Bennett, Halifax, and Courtenay, Leeds. Fiat, July 2. Pet. Cr. John Birrell, of Bradford, commission-agent.

**NSON** Joseph, of Farringdon, in the county of Berks, innkeeper, *d. c.*—Official assignee, Belcher.—Sols. White & Co. Bedford-row, and Crowdy & Son, Farringdon. Fiat, June 26. Pet. Cr. Oliver Ierring, of Farringdon, grocer.

**IGHT** Arthur, of Kettering, in the county of Northampton, grocer.—Official assignee, Follett.—Sols. Gilbert & Co. Philpotte. Fiat, June 23. Pet. Crs. John George Fleet and Frederick Ileet, of Fenchurch-street, wholesale dealers in sugars.

#### CERTIFICATES to be allowed July 29.

John, and Thomas Batt, of Old Broad-street, dealers in silk and kmen.  
ner John, of Hartlepool, timber-merchant.

Cock Frederick, of Lambeth-walk, painter.  
Doogood Henry John, of Camden-town, wine-merchant.  
Gibbons Thomas, jun., of Wells next the Sea, merchant.  
Jacobs Charles, of Farringdon-market, fruit-salesman.  
Lamb John, and Thomas Lamb, of Kidderminster, engineers.  
Painter Mary Conway, of Great Peter-street, Westminster, grocer and tea-dealer.  
Simpson Alexander Horatio, and Peter Hunter Irvin, of Blackfriars-road, engineers.

### DIVIDENDS.

#### Date of Fiat.

1844, **ASKHAM** Stephen, of Bradford, Yorkshire, commission-agent and stuff-merchant; first div.

1836, **BAKEWELL** James, now or late of Manchester, Lancashire, size-manufacturer; final div.

1840, **BARKER** William, and Samuel Adams, of Nottingham, hosiers and lace-manufacturers; final div.

1844, **BOND** Zachariah, of Manchester, Lancashire, brick-maker; div.

1845, **BROWN** John, and Alexander Urquhart, of Manchester, Lancashire, carpet-warehousemen and stuff-dealers, trading under the firm of Brown, Urquhart & Co.; sep. div. of Urquhart.

1823, **COUPLAND** William, and William Butterfield Colton, of Liverpool, Lancashire, merchants; joint div.

1845, **LAMBERT** John, of the Old Black Jack Tavern, Portsmouth-street, Lincoln's Inn-fields, Middlesex, licensed victualler; div.

1845, **MEARS** John, of Leeds, Yorkshire, grocer and tea-dealer; first div.

1842, **MILLER** Joseph, of Stockton-on-Tees, Durham, lately carrying on the trade and business of a patent sail-cloth and rope manufacturer, at Stockton-on-Tees, with John Campion, of the same place, under the name, style or firm of Miller & Campion, and previously thereto carrying on the said trade and business of a patent sail-cloth and rope manufacturer, at Stockton-on-Tees, with George Cradock, under the name, style or firm of Miller & Cradock & Co., *d. c.*, and George Cradock, now of Bondgate, Darlington, Durham, patent round and flat rope manufacturer, but lately carrying on the trade and business of a patent sail-cloth and rope manufacturer, at Stockton-on-Tees, with Joseph Miller, under the name, firm and style of Miller, Cradock & Co.; joint div., and sep. div. of George Cradock.

1837, **PARKER** Charles, of Houghton-le-Skerne, Durham, carrying on business there and at Darlington, said county, and at Rawcliffe, Yorkshire, under the firm of Edward Parker & Sons, flax-spinner; final div.

1845, **PRIDDEY** Henry, of Droitwich, Worcestershire, upholsterer and cabinet-maker; div.

1842, **THOMAS** Martin, Richard Fillis, and William Cock, now or late of Plymouth and Dock, Devonshire, and Gosport, in Hants, contractors and merchants; sep. divs. of Fillis & Thomas.

1845, **WOOD** Thomas, of Little Queen-street, Holborn, Middlesex, wine and spirit merchant; div.

1845, **WRIGHT** Francis, of Earl's Colne, Essex, builder; div.

*Gazette, Friday, July 11.*

### BANKRUPTS.

#### TOWN AND COUNTRY FIATS.

**BURLEIGH** William, of Haverhill, in the county of Suffolk, scrivener.—Official assignee, Belcher.—Sols. Holmes, Liverpool-street, and Jardine, Stoke, near Halstead, Essex. Fiat, July 5. Pet. Crs. William Robert Bevan, Henry James Oakes, and Robert Bevan, of Sudbury, bankers.

**DAVENPORT** John, of Little Love-lane, in the city of London, wholesale hosier and commission-agent, *d. c.*—Official assignee, Edwards.—Sol. Watson, Winchester-buildings. Fiat, July 7. Bankrupt's own petition.

**DOW** John Archer, of Romford, in the county of Essex, draper, *d. c.*—Official assignee, Follett.—Sols. Bristow & Tarrant, Bond-court and Greenwich. Fiat, July 3. Pet. Crs. William Miles Morley and Edward Sorrell, of Basing-lane, warehousemen.

**EASTWOOD** Thomas, of Brighton, in the county of Sussex, grocer, cheesemonger, *d. c.*—Official assignee, Green.—Sols. Stevens & Co. Queen-street. Fiat, July 1. Pet. Crs. John and Cornelius Ruck, of Duke-street, Southwark, cheesemongers.

**ELPHICK** Samuel, now or late of the Green Dragon, Bermondsey-street, in the county of Surrey, victualler.—Official assignee, Alsager.—Sol. Pyke, Lincoln's Inn-fields. Fiat, July 2. Pet. Crs. Henry Young, Thomas Drake Bainbridge, and Duncan Menzies, of Holborn, distillers.

**FARROW** John, of Stanton, near Bury St. Edmunds, in the county of Suffolk, draper and grocer, *d. c.*—Official assignee, Groom.—Sols. Soles & Turner, Aldermanbury. Fiat, July 2. Pet. Crs. Henry White Castle, John Jones, and James Wortley, of Love-lane, warehousemen.

**FILBEY** James, of Egham, in the county of Surrey, licensed victualler, *d. c.*—Official assignee, Groom.—Sol. Lloyd, Milk-street. Fiat, July 7. Bankrupt's own petition.

**FORTH MARINE INSURANCE COMPANY**, now or lately carrying on business as underwriters, at No. 16, Bishopsgate-street Within, in the city of London, under the name and description of the Forth Marine Insurance Company, associated together for commercial or trading purposes, and to which certain privileges have been granted by an Act of Parliament, made and passed in the fifth year of the reign of Her present Majesty, intituled, "An Act to enable the Forth Marine Insurance Company to sue and be sued, and for other purposes."—Official assignee, Pennell.—Sol. Ellis, Cowper's-court, Cornhill. Fiat, July 2. Pet. Cr. George Willis, of Scarborough, ship-builder.

**HARVARD** John, of No. 59, Brook-street, Bond-street, in the county of Middlesex, lamp-maker, *d. c.*—Official assignee, Whitmore.—Sol. Hodgson, Red Lion-square. Fiat, July 7. Pet. Cr. James Slater, of Denmark-street, Soho, gas-fitter.

**LOVELL** Thomas, of Henstridge Marsh, in the county of Somerset, dealer.—Official assignee, Hutton.—Sols. Poole & Gamlen, Gray's Inn, and Chandler, jun., Sherborne. Fiat, July 1. Pet. Crs. Benjamin Chandler, of Sherborne, and Samuel Pretor and Daniel Penny, his copartners, bankers.

**PARSLEY** William, of No. 62, Powis-street, Woolwich, in the county of Kent, hat and cap maker.—Official assignee, Alsager.—Sol. Hughes, Chapel-street, Bedford-row. Fiat, July 8. Bankrupt's own petition.

**RAWE** William Haward, of North-street, Portsea, in the county of Hants, currier, leather-seller, *d. c.*—Official assignee, Whitmore.—Sols. Messrs. Clarke, Bishopsgate-churchyard. Fiat, July 2. Bankrupt's own petition.

**SHORLAND** John, of the city of Bristol, grocer.—Official assignee, Acraman.—Sols. Cross & Co. Bristol. Fiat, July 7. Pet. Cr. Francis Harris Tucker, of Bristol, tea-dealer.

**THORN** Joseph, of New Brentford, and of the parish of Great Ealing, both in the county of Middlesex, paper-hanger, plumber, painter, and glazier, *d. c.*—Official assignee, Groom.—Sol. Sleep, Middle Temple-lane. Fiat, July 5. Pet. Cr. Joseph Henry Fillyer, of New Brentford, oilman.

#### *CERTIFICATES to be allowed August 1.*

Bumpstead Edmund, of Halesworth, grocer.  
Cook Henry Polley, of Coggeshall, victualler.  
Darvell Edward Stone, of Great Tower-street, colonial broker.  
French Peter, of Worthing, carpenter and straw-bonnet maker.  
Hardy William, of Oxford-street, draper, (partner with William Broome).  
Hawkins George, of Colchester, clothier.  
Messenger John, of Bownes, farmer and corn merchant.  
O'Roke Thomas, and William Birks, of Manchester, commission-agents.  
Palmer Frederick William, of Mincing-lane, colonial-broker.  
Schaffer John, of Clark's-place, High-street, Islington, fringeman.

#### *DIVIDENDS.*

Date of Fiat.

1845, **BROWN** John, and Alexander Urquhart, of Manchester, Lancashire, carpet-warehousemen and stuff-dealers, trading under the firm of Brown, Urquhart & Co.; joint div., and sep. div. of Brown.

1841, **DANKS** Michael, of No. 98, Hatton-garden, Middlesex, carpet-warehouseman, trading under the firm of Thomas Danks & Son; div.

Date of Fiat.

1845, **MORRIS** Thomas, and William Woodward, of Burdlem, Staffordshire, drapers; div.

1841, **RIDGE** William, and Charles Ridge, and William Newlands, of Chichester, Sussex, bankers; joint div.

1837, **WARWICK** William Sidney, and Thomas William Claggett, of Billiter-square, London, merchants; final div. of Claggett.

1840, **WILLIS** John, of Liverpool, Lancashire, merchant, carrying on business at Liverpool, with John Timothy Swainson, a merchants, under the firm of Willis & Swainson; final joint div., and sep. div. of Willis, by order of the Court of Review.

*Gazette, Tuesday, July 15.*

#### *BANKRUPTS.*

##### *TOWN AND COUNTRY FIATS.*

**COOKE** Henry, of Liverpool, in the county of Lancaster, painter and paper-hanger.—Official assignee, Morgan.—Sols. Vincent & Sherwood, Temple, and Jones, Liverpool. Fiat, July 8. Bankrupt's own petition.

**HAIGH** Ben, otherwise Benjamin, of Dobcross, in the chapelry of Saddleworth, in the West Riding of the county of York, manufacturer, *d. c.*—Official assignee, Fearn.—Sols. Emmett & Allen, Bloomsbury-square, Messrs. Alexander, Halifax, and Courtenay, Leeds. Fiat, July 2. Pet. Cr. Roger Cunliffe, of No. 21, High-bury-place, Islington, banker.

**LEA** John, the younger, carrying on the trade or business of a wine and spirit merchant, under the style or firm of John Lea & Company, in Liverpool, in the county of Lancaster.—Official assignee, Cazenove.—Sols. Vincent & Sherwood, Temple, and Brabner & Co. Liverpool. Fiat, July 8. Bankrupt's own petition.

**ROBINSON** John, of Beverley, in the county of York, spirit-merchant, *d. c.*—Official assignee, Fearn.—Sols. Lamber, John-street, Bedford-row, Shepherd & Myers, Beverley, and Payne & Co. Leeds. Fiat, July 5. Bankrupt's own petition.

**ROBSON** William, of High-street, Chipping Barnet, in the county of Herts, grocer, tea-dealer, and cheesemonger.—Official assignee, Edwards.—Sol. Sadgrove, Mark-lane. Fiat, July 12. Bankrupt's own petition.

**TAYLOR** Thomas Downes, of No. 38, Brooke street, Holborn, in the county of Middlesex, oilman, *d. c.*—Official assignee, Pennell.—Sol. Berkeley, Lincoln's Inn-fields. Fiat, July 11. Pet. Crs. George Bishop and Bennett Pell, of Ropemaker-street, distillers.

#### *CERTIFICATES to be allowed August 5.*

Bidder Samuel Parker, of Fleetwood-on-Wyre, slater and coal-dealer.  
Carter George John, of Hornsey-road, carpenter.

Fraley Nathaniel, of Bristol, linen-draper, (partner with Joseph Emery).

Granger William, of Rely Mill, Durham, paper-manufacturer.

Hill Joseph, of Stroud, hatter.

Winscombe James, of Bristol, boot-maker.

Wood Joseph, of Barnsley, linen-manufacturer.

#### *DIVIDENDS.*

Date of Fiat.

1841, **BERRILL** Bartholomew, of Liverpool, Lancashire, merchant and broker; final div.

1839, **GOLBORNE** Thomas Boydell, and Arthur Acheson Dobb, of Liverpool, Lancashire, wine-merchants; joint div.

1844, **DIXON** Henry Jecks, and John Dixon, of Kidderminster, Worcestershire, and of Aldermanbury, London, carpet-manufacturers; final sep. div.

1842, **GOODEVE** William Stiles, late of Chichester, Sussex, banker's clerk, and also a brick-maker and miller; div.

1844, **HERON** Edward, of South Blyth, Northumberland, ship-owner and butcher; final div.

1831, **IZON** Thomas, of Handsworth, Staffordshire, merchant; div.

1843, **KIPLING** Robert, and William Atkinson, of Wood-street, Cheapside, London, warehousemen; fur. joint div., and final sep. div. of Kipling.

1839, **LAKIN** Thomas, of Notting, builder and cabinet-maker; final div.

- Date of Fiat.
- 1843, MOTTRAM Charles, of Liverpool, Lancashire, wool-broker and commission-merchant, as a trader indebted together with Henry Hargreaves, of Liverpool, wool-broker and commission-merchant; div.
- 1841, PARR Thomas, of Liverpool, Lancashire, plumber, painter and glazier, hosier and draper; div.
- 1845, PHILLIPS Joseph, and Thomas Peason, of Finsbury House, South-place, Finsbury, Middlesex, silk-dressers and hot-pressers; joint div.
- 1837, PIGOTT John Birks, of Darlington, Durham, linen-manufacturer; final div.
- 1845, ROBINSON Benjamin, of Burton-upon-Trent, Staffordshire, draper; div.
- 1842, ROGERS Spencer, of Dale Hill, near Burslem, Staffordshire, earthenware-manufacturer; div.
- 1843, ROWLANDS David, of Pwllheli, Carnarvonshire, dealer in wines, ale, spirits, and porter, and also a watch-maker; div.
- 1843, SHEPHERD Richard, of Liverpool, Lancashire, boot and shoe maker; div.
- 1840, TAYLOR John, of Willowholme, Carlisle, Cumberland, miller and corn-merchant; div.
- WADLEY Thomas, of Liverpool, in the county of Lancaster, broker, d. c.—Official assignee, Turner.—Sols. Bridger & Blake, London-wall, and Dodge, Liverpool. Fiat, July 14. Bankrupt's own petition.

## CERTIFICATES to be allowed August 8.

- Balls James, of the Holloway-road, livery-stable keeper.
- Barker Robert, of Manchester, druggist.
- Carter James Watson, of Long-acre, coach-plater.
- Chambers Abraham Henry, sen., of New Bond-street, and of South Molton-street, banker, (partner with Henry Abraham Chambers, jun.)
- Cocksedge Thomas Martin, of New Crane, and Northfleet, miller, (partner with Walter Westrup).
- Gerrard James, of Marsden, cotton-spinner.
- Haigh James, of Almondbury, clothier.
- Knott Thomas Rushforth, of Bolton, druggist and grocer.
- Lester William Upton, of Newcastle-under-Lyne, dealer in potters' materials.
- Michael Jacob, of North Shields, general dealer.
- Newton Francis Jacob, of Rotherham, spirit-merchant and druggist.
- Newton Jacob, of Rotherham, spirit-merchant and druggist.
- Newton John Ward, of Rotherham, spirit-merchant and druggist.
- Olliver Thomas, of Prestbury, livery-stable keeper.

## DIVIDENDS.

Date of Fiat.

- 1843, DEAKINS Joseph, of the parish of Elmley Castle, in the county of Worcester, horse-dealer and farmer; final div.
- 1844, DIXON Henry Jacks, and John Dixon, of Kidderminster, Worcestershire, and of Aldermanbury, London, carpet-manufacturers; final div.
- 1844, FORREST James Alexander, of Liverpool, Lancashire, glass-merchant and paint-manufacturer; div.
- 1844, HERON James, of South Blyth, Northumberland, ship-owner and ship-broker; final div.
- 1844, HOOK Joseph, of Nine Elms, and of the Wandsworth-road, both in Surrey, contractor and brick-merchant; div.
- 1844, HUNTER Benjamin Harrison, of Liverpool, Lancashire, merchant and dealer; div.
- 1838, MUCKLOW James, of Birmingham, Warwickshire, publican; div.
- 1824, PRODGERS Edward, of Ludlow, Salop, banker; div.
- 1845, RICHARDS James, of Deptford-bridge, Kent, plumber, painter and glazier; div.
- 1844, SHOLLER Francis, of Portsea, Hants, grocer and tea-dealer; div.
- 1844, SOUL Caleb, of No. 120, Long-alley, Moorfields, Middlesex, grocer, cheesemonger and butterman; div.
- 1843, SOTHERN James, of New-street, Birmingham, Warwickshire, grocer; final div.

## Gazette, Friday, July 18.

## BANKRUPTS.

## BANKRUPTCY SUPERSEDED.

WATERS Thomas, of St. Woollos, hay-dealer.

## TOWN AND COUNTRY FIATS.

- BROMWICH Henry, of Leamington Priors, in the county of Warwick, grocer.—Official assignee, Valpy.—Sol. Chesshire, jun., Birmingham. Fiat, June 16. Pet. Crs. James Bourne, Henry Bourne, and William Nutter, of Birmingham, wholesale grocers.
- COLLYER James Wender, of the Rainbow, Newgate-street, in the city of London, victualler and salesman.—Official assignee, Whitmore.—Sol. Rasch, Staple Inn. Fiat, July 14. Bankrupt's own petition.
- EVANS John, of Paradise-street, Liverpool, in the county of Lancaster, ironmonger, d. c.—Official assignee, Bird.—Sols. Wilkins, Furnival's Inn, and Brown, Liverpool. Fiat, July 15. Bankrupt's own petition.
- GREEN Robert, of the Broad Quay, in the city of Bristol, watch-maker and jeweller.—Official assignee, Kynaston.—Sols. Davison, Broad-street, and Brittan, Bristol. Fiat, July 14. Bankrupt's own petition.
- HANSEN Peter, of the borough and county of Newcastle-upon-Tyne, merchant, ship-owner, d. c.—Official assignee, Wakley.—Sols. Harle, Newcastle, and Chisholme & Co. Lincoln's Inn-fields. Fiat, July 12. Bankrupt's own petition.
- PARRY David, of Ruthin, in the county of Denbigh, currier, leather-dresser, d. c.—Official assignee, Bird.—Sols. Edwards & Peake, New Palace-yard, Evans, Denbigh, and Evans, Liverpool. Fiat, July 11. Bankrupt's own petition.
- SMITH Edmund, of Woodhead, in the parish of Mottram-in-Long-dendale, in the county of Chester, Robert Smith, of Prestbury, in the said county, and Joseph Swann, of Hattersley, in the said county, carrying on business in partnership together at Woodhead aforesaid, as provision-dealers and beer-sellers.—Official assignee, Fraser.—Sols. Bower & Son, Chancery-lane, and Brooks, Ashton-under-Lyne. Fiat, July 11. Bankrupt's own petition.
- SPENCER Joseph, the younger, of Liverpool, in the county of Lancaster, builder, d. c.—Official assignee, Turner.—Sols. Walker, Furnival's Inn, and Bradley, Liverpool. Fiat, July 7. Bankrupt's own petition.
- SUGDEN John, and William Sugden, of Leeds, in the county of York, machine-makers and millwrights, surviving partners of John Sugden, the younger, deceased, lately carrying on business in co-partnership under the firm of John Sugden & Sons.—Official assignee, Hope.—Sols. Mitton & Neale, Southampton-buildings, and Dunning & Stawman, Leeds. Fiat, July 16. Bankrupt's own petition.

## Gazette, Tuesday, July 22.

## BANKRUPTS.

## BANKRUPTCY SUPERSEDED.

MARTIN George, of the city of Gloucester, pin-manufacturer and grocer.

## TOWN AND COUNTRY FIATS.

- BAINES James, of Manchester, in the county of Lancaster, grocer, shopkeeper, d. c.—Official assignee, Pott.—Sols. Johnson & Co. Temple, and Hitchcock & Co. Manchester. Fiat, July 8. Pet. Cra. William Sharp and William Henry Scott, of Manchester, tea-dealers.
- BARKER Ann, now or late of No. 10, Lowndes-terrace, Knights-bridge, in the county of Middlesex, and also of No. 26, Witton-place, Knightsbridge, in the said county of Middlesex, wine-merchant, d. c.—Official assignee, Alsager.—Sol. Hensman, Basing-lane. Fiat, July 19. Bankrupt's own petition.
- BATCHELOR John, of Morford-street, in the parish of Walcot, in the city of Bath, in the county of Somerset, butcher.—Official assignee, Miller.—Sol. Shattock, Bath. Fiat, July 17. Bankrupt's own petition.



**BROWN** George, of Barbican, in the city of London, clothier and outfitter, *d. c.*—Official assignee, Groom.—Sol. Turner, Mount-place, Whitechapel. Fiat, July 17. Pet. Cr. James Oliver, of Lambourn Cottage, Bow, builder.

**DOUSBERY** Thomas, of New Farringdon-street, in the city of London, late of Brook-street, Holborn, in the county of Middlesex, boot and shoe factor, *d. c.*—Official assignee, Belcher.—Sol. Hensman, Basing-lane. Fiat, July 19. Pet. Cr. John Stimpson, of Northampton, leather-factor.

**DRIVER** James, of Slawston, in the county of Leicester, victualler, *d. c.*—Official assignee, Bittleston.—Sols. Rawlins, Market Harborough, and James, Birmingham. Fiat, July 14. Bankrupt's own petition.

**FRENCH** Ann Bree, of the borough and county of Newcastle-upon-Tyne, hotel-keeper.—Official assignee, Baker.—Sols. Harle, Newcastle, and Messrs. Chisholme & Co. Lincoln's Inn-fields. Fiat, July 14. Bankrupt's own petition.

**KEDWARD** Samuel Richard, of No. 9, Clipstone-street, Fitzroy-square, in the county of Middlesex, licensed victualler.—Official assignee, Belcher.—Sol. Futvoye, John-street, Bedford-row. Fiat, July 12. Bankrupt's own petition.

**MACK** John, of Liverpool, in the county of Lancaster, pawnbroker, salesman, *d. c.*—Official assignee, Turner.—Sols. Humphreys & Co. Chancery-lane, Hetherington & Woodburn, Liverpool, and Jabet, Birmingham. Fiat, July 17. Pet. Crs. Jacob Cohen and Jacob Phillips, of Birmingham, factors.

**MILLER** Alexander, of No. 26, Walbrook, in the city of London, merchant, *d. c.*—Official assignee, Edwards.—Sol. Robson, Clifford's Inn. Fiat, July 17. Bankrupt's own petition.

**SOLOMON** Solomon, of the Strand, in the county of Middlesex, tailor and dealer.—Official assignee, Belcher.—Sol. Lewis, Grosvenor-street, Bond-street. Fiat, July 16. Pet. Cr. Charles Lewis, of Grosvenor-street, Bond-street, gent.

**WOOD** Henry, of No. 21, Abchurch-lane, in the city of London, and of Farnham-place, Old Gravel-lane, Southwark, in the county of Surrey, general agent and tanner, *d. c.*, carrying on business under the firm of Wood & Company.—Official assignee, Pennell.—Sols. Messrs. Jenkinson, Cannon-street. Fiat, July 21. Bankrupt's own petition.

**WILD** Ann, and John Wild, both of the city of Bristol, glaziers, glass-stainers, and china-dealers, copartners, *d. c.*—Official assignee, Acraman.—Sol. Hinton, Bristol. Fiat, July 19. Bankrupt's own petition.

#### *CERTIFICATES to be allowed August 12.*

Gadsby William, jun., of Manchester, joiner.  
Gibson Henry Gould, of Northw, wine-merchant.  
Heaton James, of Ludlow, stationer.  
Hurd Samuel, of Rochester, glass-dealer.  
Innes John, of Old Brompton, brewer.  
Livingston James, and Thomas Brittain, of Manchester, plumbers.  
Meeson William, of Stone, innkeeper.  
Smelt Anthony, of Melton Mowbray, linen-draper.  
Taylor William James, of Camden-town, grocer.  
Tupper William Chalcroft, of Catherington, grocer.

#### *DIVIDENDS.*

*Date of Fiat.*

1844, **BURTON** William, of No. 28, King-street, Soho, Middlesex, upholsterer; div.  
1845, **COOK** Thurstan, late of No. 20, Kirby-street, Hatton-garden, and of No. 14, Acton-street, Gray's Inn-road, both in Middlesex, silver-cutler; div.  
1844, **FORSTER** John, of Armley, in Leeds, Yorkshire, cloth-merchant and manufacturer; first and final div.  
1845, **HARRISON** William, of Woodhouse Carr, in Leeds, Yorkshire, pattern dyer; first and final div.  
1845, **HOLLOWAY** Richard, of Evesham, Worcestershire, innkeeper; final div.  
1844, **SUGDEN** Joah, and David Sugden, of Springfield, in Kirkburton, and of Huddersfield, both in Yorkshire, fancy-cloth manufacturers; second div.

*Gazette, Friday, July 25.*

#### *BANKRUPTS.*

*TOWN AND COUNTRY FIATS.*

**ALLEN** Manning, of St. Helen's, in the county of Lancaster, butcher.—Official assignee, Bird.—Sols. Gregory & Co. Bedford-row, and Green, Liverpool. Fiat, July 18. Bankrupt's own petition.

**BROWN** Thomas, and Donald Brown, both of No. 19, Billiter-street, in the city of London, ship and general agents, and manufacturers of gryll's whelp, carrying on business in copartnership in the same place.—Official assignee, Edwards.—Sol. Fawcett, Jewin-street, and Hockley. Fiat, July 18. Pet. Crs. Christopher James Redpath and John Brown, of Commercial-road, West India Dock, ironmongers.

**DUMBRILL** John Nevill, the younger, of Eastbourne, in the county of Sussex, baker.—Official assignee, Groom.—Sol. White, Chancery-lane. Fiat, July 17. Pet. Cr. Thomas Mockett, of Eastbourne.

**HARDING** Edward Phillip, of Gravesend, in the county of Kent, hosier.—Official assignee, Pennell.—Sol. Oldershaw, King's Arms-yard. Fiat, July 18. Pet. Crs. Richard Hughes and Alfred Nevill, of Wood-street, warehousemen.

**HOLMES** Thomas Valentine, of Stokes Croft, in the parish of Saint Paul, in the city and county of Bristol, corn-factor, *d. c.*—Official assignee, Hutton.—Sols. Malpas & Co. Frederick's-place, and Salman, Bristol. Fiat, July 19. Bankrupt's own petition.

**JAMES** George, of Leamington Priory, in the county of Warwick, draper.—Official assignee, Valpy.—Sols. Moger, Paternoster-row, and Bartlett, Birmingham. Fiat, July 8. Pet. Cr. John Boyd, of Friday-street, warehouseman.

**JAQUES** George, of No. 77, Tothill-street, Westminster, in the county of Middlesex, plumber, painter and glazier, *d. c.*—Official assignee, Edwards.—Sol. Leigh, George-street, Mansion-house. Fiat, July 21. Pet. Crs. John Dromgole and James Linsay, of Barbican, window-glass dealers.

**NICHOLSON** Richard, of Stockton, in the county of Durham, bookseller.—Official assignee, Baker.—Sols. Freeman & Co. Coleman-street. Fiat, July 16. Pet. Crs. George Byrom Whitaker and William Comber Hood, of Ave Maria-lane, wholesale booksellers.

#### *CERTIFICATES to be allowed August 15.*

Brice Samuel, of St. John-street, tailor.  
Gardner George, of Gravesend, tavern-keeper.  
Glass James, of Ordnance Wharf, Belvedere-road and Blackfriars-road, coal-merchant, in partnership with Elizabeth M'Knot.  
Harvey Catherine Sarah, of George-street, Hanover-square, dress-maker.  
More William Simpson, of Liverpool, wine-merchant.  
Wilcock Sarah, of Warrington, innkeeper.

#### *DIVIDENDS.*

*Date of Fiat.*

1844, **BECKITT** William, of Doncaster, Yorkshire, money-scriver; first div.  
1842, **DOBSON** Lepton, of Leeds, Yorkshire, woollen-cloth merchant, carrying on business at Leeds, with George Dobson, late of the same place, but now residing at Lisbon, in the kingdom of Portugal, under the firm of Lepton and George Dobson; final div.  
1840, **HINGLEY** Noah, of Cradley, Worcestershire, and of Liverpool, Lancashire, chain, trace and cable manufacturers; final div.  
1842, **HUMPHREY** Thomas, the elder, and Thomas Humphrey, the younger, both of Kingston-upon-Hull, shipwrights, trading under the firm of Humphrey & Co.; sep. div.  
1843, **PEARSON** John Eyre, of Sheffield, Yorkshire, wine and spirit merchant; second and final div.  
1820, **WALKER** William, of Wortley, in Leeds, Yorkshire, merchant; final div.

Gazette, Tuesday, July 29.

**BANKRUPTS.****BANKRUPTCIES SUPERSEDED.****BINDLEY** John, of Atherstone, hosier.**POCOCK** George, of Brighton, linen-draper.**TOWN AND COUNTRY FIATS.****DIXON** John, of Deepcar, in the parish of Ecclesfield, in the county of York, innkeeper and coach-proprietor, *d. c.*—Official assignee, Young.—Sols. Tattershall, Great James-street, Chambers, Sheffield, and Dunning & Storr, Leeds. Fiat, June 5. Pet. Cr. John Chambers, of Sheffield, attorney.**MATTHEWS** Benjamin Stephen Thomas, of No. 40, Cornwall-road, Lambeth, in the county of Surrey, oil and colourman.—Official assignee, Groom.—Sol. Justice, Berners-street. Fiat, June 24. Bankrupt's own petition.**SMETHURST** William, of Manchester, in the county of Lancaster, jacquard machine maker, *d. c.*—Official assignee, Fraser.—Sols. Chester & Co. Staple Inn, and Chapman & Roberts, Manchester. Fiat, July 21. Pet. Cr. Marmaduke Burnell, of Manchester, builder.**THOMPSON** Ralph, of the town and county of Newcastle-upon-Tyne, watch and clock maker, jeweller, *d. c.*—Official assignee, Wakley.—Sols. Chater & Co. Newcastle, and Bell & Co. Bowchurchyard. Fiat, July 22. Bankrupt's own petition.**VENTURA** Isaac de Joseph, of No. 3, White Hart-court, Bishopsgate, in the city of London, merchant, *d. c.*—Official assignee, Alsager.—Sol. Lindo, Fenchurch-street. Fiat, July 26. Bankrupt's own petition.**WRAKE** Michael, the younger, of the city of Canterbury, bricklayer and builder, and dealer in coals.—Official assignee, Whitmore.—Sols. Messrs. Scott, Southampton-buildings, and Walker, Canterbury. Fiat, July 19. Bankrupt's own petition.**CERTIFICATES to be allowed August 19.****Betts** Joseph Young, of Cardiff, grocer.**Guignies** Victor, of Leicester-street, hotel-keeper.**Hardy** George, of Wisbeach, grocer, (partner with John Hardy).**Newnes** Edward, of Newton-by-Middlewich, brewer.**Richards** James, of Deptford-bridge, plumber.**Rudman** George, of Bristol, mason.**Thorpe** Henry, of Kensington, linen-draper.**Woodward** William, and Thomas Morris, of Burslem, drapers.**DIVIDENDS.**

late of Fiat.

**842, BAINBRIDGE** John, of Richmond, Yorkshire, iron-founder; final div.**345, BATT** John, and Thomas Batt, of Old Broad-street, London, dealers in silk and silkmen; sep. div. of John Batt.**145, CRANSWICK** Francis, of Bridlington, Yorkshire, innkeeper; final div.**137, FISHER** George, of Bradford, Yorkshire, linen-draper; final div.**45, HICK** John Atkinson, of Leeds, Yorkshire, carver and gilder; first and final div.**44, MONCKMAN** Thomas Mosier, of Bradford, Yorkshire, tobacconist; final div.**45, NEWTON** Jacob, John Ward Newton, and Francis Jacob Newton, all of Rotherham, Yorkshire, spirit and porter merchants and druggists; first joint div., and first and final sep. divs.**13, THOMPSON** William, of Rawden, Yorkshire, cloth-manufacturer; final div.**15, THURNELL** William, of Leadenhall-street, London, and of Great Windmill-street, Coventry-street, Piccadilly, Middlesex, upholsterer; div.**1, WISE** Ayshford, of Fordhouse, in Wolborough, Devonshire, William Searle Bental, of Totnes, and Robert Farwell, of Totnes, bankers and money-scriveners, carrying on business and trading at Totnes, under the style or firm of Messrs. Wise, Farwell, Baker and Bental; sep. div.**0, WOOD** James, now or late of Lee Side, in Saddleworth, Yorkshire, merchant and wool-manufacturer; div.**8. BANKR.—1845.**

Gazette, Friday, August 1.

**BANKRUPTS.****BANKRUPTCY ENLARGED.****HILDITCH** William, late of Denbigh, but now of St. Asaph, grocer and druggist.**TOWN AND COUNTRY FIATS.****ALDCROFT** John, of Longsight, in the parish of Manchester, in the county of Lancaster, licensed victualler, *d. c.*—Official assignee, Hobson.—Sols. Appleby, Harpur-street, and Oliver, Manchester. Fiat, July 28. Pet. Crs. Edward and James Hepper, of Manchester, wine-merchants.**BETT** John, of Bradford, in the county of York, dyer and retailer of beer, *d. c.*—Official assignee, Young.—Sols. Yonge & Hancock, Tokenhouse-yard, and Freeman, Halifax, and Sanderson, Leeds. Fiat, July 28. Bankrupt's own petition.**BEST** William, and John Snowden, both of the town and county of the town of Southampton, printers, librarians, and auctioneers, and copartners in trade.—Official assignee, Alsager.—Sols. Walker & Co. Southampton-street, and Deacon & Long, Southampton. Fiat, July 25. Pet. Crs. Thomas Trew, of Southampton, manager of the Hants Banking Company, and John Tebbitts, of Budge-row, stationer, trustees of John Coupland.**BROADBENT** Joseph, of New Barn, Delf, in Saddleworth, in the county of York, woollen-manufacturer and merchant, *d. c.*—Official assignee, Hope.—Sols. Norris & Co. Rochdale, Heaton, Rochdale, and Courtenay, Leeds. Fiat, July 9. Pet. Cr. James Fielding, of Halifax, manufacturing chemist.**CLARK** William, of Royston, in the county of Hertford, baker, *d. c.*—Official assignee, Belcher.—Sol. Hensman, Basing-lane. Fiat, July 30. Bankrupt's own petition.**CURTIS** John Harrison, of No. 2, Soho-square, in the county of Middlesex, bookseller, *d. c.*—Official assignee, Pennell.—Sols. Lawrance & Pews, Bucklersbury. Fiat, July 28. Bankrupt's own petition.**JAMSON** William, of Spittlegate, in the parish of Grantham, in the county of Lincoln, victualler.—Official assignee, Valpy.—Sols. Willan, Bedford-row, King, Grantham, and Bray, Birmingham. Fiat, July 22. Pet. Crs. Jonas Kewney and Edmund Fillingham, of Grantham, bankers.**MADDOCKS** Thomas, otherwise called John Maddocks, late of Longton, in the parish and borough of Stoke-upon-Trent, victualler.—Official assignee, Christie.—Sols. Williams, Hanley, and Smith, Birmingham. Fiat, July 14. Pet. Crs. John Booth, of Wore, Salop, innkeeper, and John Meredith, of Shrewsbury, hop-merchant.**PEAKE** James, of Tolleshunt Knights, in the county of Essex, miller, *d. c.*—Official assignee, Edwards.—Sols. Loughborough, Austin-friars. Fiat, July 22. Pet. Cr. Charles William Carwardine, of Tolleshunt Knights, clerk.**PEARSON** John, of the borough and county of Newcastle-upon-Tyne, fellmonger and woolstapler, *d. c.*—Official assignee, Baker.—Sols. Hoyle, Newcastle, and Crosby & Compton, Church-court. Fiat, July 23. Bankrupt's own petition.**POWELL** Thomas, of Allerton Bywater, in the parish of Kippax, in the county of York, brick and tile maker, and late of Castleford, in the said county, brick and tile maker and innkeeper, *d. c.*—Official assignee, Hope.—Sols. Williamson & Hill, Gray's Inn, and Cariss, Leeds. Fiat, July 3. Bankrupt's own petition.**SOUTH** Simon, of Spittlegate, in the parish of Grantham, in the county of Lincoln, maltster and coal-dealer, *d. c.*—Official assignee, Whitmore.—Sols. White & Co. Grantham, and Bray, Birmingham. Fiat, July 19. Pet. Crs. Jonas Kewney and Edmund Fillingham, of Grantham, bankers.**TUNKS** James, late of George-place, Newland-terrace, Kensington, in the county of Middlesex, cowkeeper, dairyman, and market gardener, but now of No. 19, Scardell-terrace, Kensington aforesaid, market gardener only.—Official assignee, Alsager.—Sol. Sadgrove, Mark-lane. Fiat, July 29. Bankrupt's own petition.**WALKER** Henry Decimus, of Eaton Socon, in the county of Bedford, innkeeper and coach proprietor.—Official assignee, Pennell.—Sols. Hale & Co. Ely-place, and Day, St. Neots. Fiat, July 25. Bankrupt's own petition.

**Gazette, Tuesday, August 19.**

**BANKRUPTS.**

**BANKRUPTCY ENLARGED.**

**FORTH MARINE INSURANCE COMPANY**, of Bishopsgate-street, underwriters.

**TOWN AND COUNTRY FIATS.**

**DAMES Daniel**, of Liverpool, in the county of Lancaster, paper-stainer, *d. c.*—Official assignee, Bird.—Sols. Walker, Furnival's Inn, and Bradley, Liverpool. Fiat, Aug. 14. Bankrupt's own petition.

**JACKSON Francis**, of No. 25, Marylebone-street, Golden-square, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Whitmore.—Sol. Shirreff, Lincoln's Inn-fields. Fiat, Aug. 18. Pet. Cr. Edward William Wyon, of No. 48, Gower-street, Bedford-square, sculptor.

**MALLINSON Hugh**, late of Brighouse, near Bradford, but now of Almondsbury, near Huddersfield, both in the West Riding of the county of York, manufacturer of fancy worsted and cotton goods, *d. c.*—Official assignee, Freeman.—Sols. Lever, King's-road, Bedford-row, and Achers, Manchester. Fiat, Aug. 8. Pet. Cr. Thomas Bonsor Crompton, of Farnworth Mills, Dean, Lancashire, cotton-spinner and paper-manufacturer.

**MARKWICK Mark**, late of Harpur-street, Red Lion-square, in the county of Middlesex, builder, *d. c.*—Official assignee, Edwards.—Sols. Messrs. Lake, New-square, Lincoln's Inn. Fiat, Aug. 4. Pet. Cr. Charles Cove, of Hornchurch, Essex, builder.

**POWELL James Chase**, of No. 47, Chiswell-street, Finsbury-square, in the county of Middlesex, apothecary, *d. c.*—Official assignee, Belcher.—Sol. Jerwood, Walbrook-buildings. Fiat, Aug. 14. Bankrupt's own petition.

**WHITE Richard**, of No. 13, High-street, Portsmouth, in the county of Hants, surgeon, apothecary, *d. c.*—Sol. Beetholme, New Inn, Strand. Fiat, Aug. 14. Bankrupt's own petition.

**CERTIFICATES to be allowed September 9.**

**Burns George Cornelius**, of Devizes, upholsterer.  
**Byers William**, of Skinner's-street, woollen and Manchester warehouseman, (partner with Sarah Taylor Watson).  
**Currie John**, and **Louis Elize Seignette**, of Mincing-lane, merchants.  
**Davis John**, of Bristol, chemist.  
**De Wilde Frederick Augustus**, of Wells-street, cabinet-ironmonger.  
**Estall George**, of Holywell-street, plasterer.  
**Hall Thomas Batt**, of Coggeshall, grocer.  
**Harbottle John**, of Amble, grocer.  
**Nichols Henry**, of Coleford, auctioneer.  
**Pariente Judah de Jacob**, of Bury-street, St. Mary-axe, merchant.

**DIVIDENDS.**

**Date of Fiat.**

- 1837, **SOLLY Isaac**, and **Isaac Solly**, the younger, of St. Mary-axe, London, merchant; div. of Isaac Solly.
- 1843, **SOUTHERN Thomas**, of Gloucester, grocer; final div.
- 1842, **TIMMIS Charles**, of Darlaston-green, in Stone, Staffordshire, flint-grinder; div.
- 1841, **WISE Ayshford**, of Fordhouse, in Wolborough, Devonshire, **Nicholas Baker**, of Newton Bushell, in Highwick, Devonshire, and **William Searle Bentall**, of Totnes, Devonshire, bankers, and carrying on the business of bankers at Newton Abbott, Devonshire, under the firm of Wise, Farwell, Baker & Bentall; fur. sep. div. of Bentall.

**Gazette, Friday, August 22.**

**BANKRUPTS.**

**TOWN AND COUNTRY FIATS.**

**HOGG Edward Thomas**, and **William Neale Walton**, of No. 14, Duke-street, Adelphi, in the county of Middlesex, wine-merchants.—Official assignee, Belcher.—Sol. Shirreff, Lincoln's Inn-fields.

Fiat, Aug. 16. Pet. Cr. **Edward George Cuff**, of Crutched-frans, wine-merchant.

**HOWELL Thomas**, of Dolly's Chop-house, Queen's-head-passag, Newgate-street, in the city of London, hotel and tavern-keeper, *d. c.*—Official assignee, Belcher.—Sols. Treherne & White, Back-lersbury. Fiat, Aug. 20. Pet. Crs. **Richard William Morris** and **Valentine Morris**, of St. Mary-at-Hill, wine-merchants.

**KIRKMAN John**, late of Great Warley, in the county of Essex, and now of Lupus-street, Fimlico, in the county of Middlesex, builder, *d. c.*—Official assignee, Alsager.—Sol. Turner, Mount-place, White-chapel-road. Fiat, Aug. 19. Pet. Cr. **John Hallam**, of Great Warley, builder.

**LING Benjamin**, of Fore-street, Limehouse, in the county of Middlesex, timber-dealer.—Official assignee, Alsager.—Sols. Norton & Son, New-street, Bishopsgate. Fiat, Aug. 18. Bankrupt's own petition.

**PRATT James Mantle**, of No. 13, Berners-street, Oxford-street, in the county of Middlesex, wine-merchant, formerly in copartnership with **Curtis Williamson**, of the same place, wine-merchant, and since in copartnership with **Thomas Charles Stanbrough**, of the same place, wine-merchant.—Official assignee, Pennell.—Sols. Lawrence & Plews, Bucklersbury. Fiat, Aug. 21. Bankrupt's own petition.

**SIMS John**, of Tollard Royal, in the county of Wilts, wheelwright and iron-founder.—Official assignee, Whitmore.—Sol. Ashby, Shoreditch. Fiat, Aug. 18. Bankrupt's own petition.

**SOLOMONS Nathan**, and **Eleazer Solomons**, of No. 2, Church-lane, Whitechapel, and of No. 32, Sydney-place, Commercial-road Eas, both in the county of Middlesex, and also of No. 87, Farringdon-street, in the city of London, boot and shoe makers, *d. c.* and copartners.—Official assignee, Pennell.—Sol. Watson, Worship-street. Fiat, Aug. 18. Pet. Cr. **Thomas Perkins**, of Wood-street, Northampton, boot and shoe manufacturer.

**SUCKLING John Holman**, of Birmingham, in the county of Warwick, ironmonger.—Official assignee, Christie.—Sols. Smith, Birmingham, and **Jackson**, Gray's Inn. Fiat, Aug. 11. Bankrupt's own petition.

**SUGDEN Robert**, of Bogthorne, in the parish of Keighley, in the county of York, manufacturer of worsted goods.—Official assignee, Freeman.—Sols. **Williamson & Hill**, Gray's Inn, Road & Co. Halifax, and **Bond**, Leeds. Fiat, Aug. 11. Pet. Crs. **Joseph** and **John Hordsworth**, of Halifax, woolstaplers.

**CERTIFICATES to be allowed September 12.**

**Davis William**, of Tottenhall, butcher.  
**Gregory John**, of Weston, innkeeper.  
**Pares Henry**, of Loughborough, plumber.  
**Milward Thomas**, of Nottingham, miller.  
**Smallwood Thomas Dyot**, of Birmingham, grocer.

**DIVIDENDS.**

**Date of Fiat.**

- 1845, **BURRELL James**, and **Thomas Hall**, both of Thetford, Norfolk, iron-founders; div.
- 1845, **GILES William**, of the Marine-parade, Brighton, Seamen's boarding-house keeper; div.
- 1838, **JACOB Solomon**, of No. 6, Great Prescott-street, Goodman's fields, Middlesex, furrier and merchant; div.
- 1826, **JONES Henry**, of Fort-street, Bishopsgate, merchant and coach-lace manufacturer; div.
- 1843, **MIERS William**, of Leeds, Yorkshire, oil, colour and resin merchant; final div.
- 1845, **STONEHOUSE John**, of Scarborough, Yorkshire, hosiery and draper and hosier; first div.
- 1842, **SYMONDS Samuel**, the elder, and **Samuel Symonds**, the younger, of Basinghall-street, London, woollen-figures; div.
- 1829, **TAPP James**, and **Charles Tapp**, of Wigmore-street, Middlesex, coach-makers; joint div.
- 1841, **WILLIAMS Peter**, and **Charles Mottram**, of Wood-street, London, Manchester warehousemen; div.

Gazette, Tuesday, August 26.

**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

**CLARKE** Robert Bloomfield, of Gower-street North, in the parish of St. Pancras, in the county of Middlesex, plumber and glazier.—Official assignee, Whitmore.—Sol. Malim, South-square, Gray's Inn. Fiat, Aug. 15. Bankrupt's own petition.

**HANSARD** William Mathew, late of Westbourne-road, Paddington, afterwards of No. 30, Beaufoy-terrace, St. Marylebone, and now of Park-road, Holloway, and also of Highgate, all in the county of Middlesex, florist, *d. c.*—Official assignee, Belcher.—Sols. Messrs. Chamberlayne & Meaden, Great James-street, Bedford-row. Fiat, Aug. 18. Bankrupt's own petition.

**HINDES** Abraham, and John Thompson, of Leeds, in the county of York, stock and share brokers, *d. c.* and late copartners, trading at Leeds aforesaid, under the name, style, or firm of Hindes & Thompson, and the said John Thompson now carrying on business in copartnership with James Thompson, at Leeds aforesaid, as stock and share brokers.—Official assignee, Pearne.—Sols. Williamson & Hill, Gray's Inn, and Carlas, Leeds. Fiat, Aug. 18. Bankrupts' own petition.

**HODGSON** John, of Liverpool, in the county of Lancaster, scrivener, *d. c.*—Official assignee, Turner.—Sols. Gregory & Co. Bedford-row, and Frodsham, Liverpool. Fiat, Aug. 18. Bankrupt's own petition.

**KIRKHAM** John, late of Great Warley, in the county of Essex, and now of Lupus-street, Pimlico, in the county of Middlesex, butcher, *d. c.*—Official assignee, Alsager.—Sol. Turner, Mount-place, White-chapel-road. Fiat, Aug. 19. Pet. Cr. John Hallam, of Great Warley, builder.

**VEREY** William, late of the Black Bull Inn, High-street, Kingsland, in the parish of St. John, Hackney, in the county of Middlesex, licensed victualler, but now residing at Mr. Eastham's, plumber and glazier, in High-street, Kingsland aforesaid.—Official assignee, Alsager.—Sols. Kingdon & Co. Clifford's Inn. Fiat, Aug. 21. Bankrupt's own petition.

**CERTIFICATES to be allowed September 16.**

**Astle** William, of Wolverhampton, plumber.  
**Ayton** Joseph Jobling, of South Shields, linen-draper.  
**Brown** William Lax, of Liverpool, merchant.  
**Hardy** John, of Wisbeach, grocer, (partner with George Hardy).  
**Jones** Benjamin Samuel, of Wrockwardine, grocer.  
**Mohon** John, and Richard Simons, of Mincing-lane, wine-merchants.  
**Perks** Francis, jun., of Stourbridge, hatter.  
**Pestell** John, of Sandy, corn-factor.  
**Peters** John, of Kent-street, Haggerston, fancy trimming manufacturer.  
**Russell** Samuel, of Sheffield, Britannia metal manufacturer, (partner with George Shortried Rutherford).  
**Water** Gilbert, of London-terrace, Hackney-road, grocer.  
**Turner** Joseph, of Grantham, wool buyer.

**DIVIDENDS.****late of Fiat.**

**845, CHANDLER** Benjamin, of Stanmore, Middlesex, ironmonger; div.  
**342, HOLROYD** John, of Wheatley, near Halifax, Yorkshire, cotton warp maker; fur. div.  
**345, LEADER** John Morgan, of No. 361, Oxford-street, Middlesex, coach-maker; div.  
**34, LUCAS** Thomas Francis, of Long Buckby, Northamptonshire, and also late of Leamington Priors, Warwickshire, coach-proprietor; final div.  
**32, LUCAS** Thomas Francis, of Long Buckby, Northamptonshire, money-scrivener; final div.  
**28, MANWARING** William, otherwise William Mainwaring, late of Birmingham, Warwickshire, surgeon and apothecary; final div.

9. BANKR.—1845.

**Date of Fiat.**

**1845, MAY** William, of Scotland-road, Liverpool, Lancashire, draper and hosier; div.  
**1824, PARKER** Charles, of Bristol, tailor and draper; div.  
**1836, ROSTRON** Lawrence, of Salford, Lancashire, and John Roston, of Edenfield, said county, manufacturers and merchants, carrying on business at Manchester, said county, and at Edenfield, under the firm of Roston, Brothers, copartner with James Roston, now or late of New York, America, merchant, and in ren. com. 1837, the said James Roston, therein described as James Roston, late of New York, America, merchant, but now of Edenfield, Lancashire, in England, lately carrying on business with Lawrence Roston, of Salford, said county, and John Roston, of Edenfield, as manufacturers and merchants at Manchester and Edenfield, under the firm of Roston, Brothers, and the proceedings under which last-mentioned fiat are now annexed to and form part of the proceedings under the first-mentioned fiat; final div.  
**1842, SEDDON** Thomas, and George Seddon, Calthorpe-place, Gray's Inn-road, Middlesex, upholsterers and cabinet-manufacturers; sep. div. of T. Seddon.

Gazette, Friday, August 29.

**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

**BIGMARE** Samuel Cullum, late of Haverill, in the county of Suffolk, straw-plait manufacturer, printer and stationer.—Official assignee, Whitmore.—Sol. Hare, Gray's Inn. Fiat, Aug. 11. Pet. Cr. George Knott, of King-street, Snow-hill, merchant.

**CHENNEL** George, of Capel, in the county of Surrey, carpenter and builder.—Official assignee, Alsager.—Sols. Blake & Tamplin, King's-road. Fiat, Aug. 21. Pet. Crs. Mathias Walker, of Horsham, ironmonger, and Charles William Waterlow, of Bunhill-row, joiner.

**CURTIS** Joseph, of Liskeard, in the county of Cornwall, linen and woollen draper, hatter, *d. c.*—Official assignee, Hernaman.—Sols. Sowton. Great James-street, Anstis, Liskeard, and Stogdon, Exeter. Fiat, Aug. 22. Pet. Cr. Samuel Elliott, of Liskeard, Somersetshire, grocer.

**GUY** John, of No. 30, Bury-street, in the parish of St. James, Westminster, in the county of Middlesex, publisher, surgeon, apothecary, *d. c.*—Official assignee, Whitmore.—Sol. Austin, St. Swithin's-lane. Fiat, Aug. 26. Bankrupt's own petition.

**HARLEY** William Stopford, of Chapple-street, Penzance, in the county of Cornwall, hatter, clothier, *d. c.*—Official assignee, Hernaman.—Sols. Jacobs, Winchester-buildings, and Stogdon, Exeter. Fiat, Aug. 12. Pet. Crs. Michael Levy Green and Ephraim Levy Green, of Houndsditch, wholesale clothiers.

**HUTCHINSON** Robert, of No. 4, Jewry-street, Aldgate, in the city of London, leather-seller, leather-merchant, *d. c.*—Official assignee, Follett.—Sols. Lawrance & Plewa, Bucklersbury. Fiat, Aug. 26. Bankrupt's own petition.

**JOPLIN** John, of High-street, Bishop Wearmouth, in the county of Durham, draper, *d. c.*—Official assignee, Wakley.—Sols. Harle, Newcastle, Messrs. Marshall, Durham, and Soles & Turner, Aldermanbury. Fiat, Aug. 16. Pet. Crs. William Wreford and Richard Harris Pugh, of Aldermanbury, warehousemen.

**OWEN** Jacob Richard, of Manchester, in the county of Lancaster, stock and share broker, *d. c.*—Official assignee, Hobson.—Sols. Gregory & Co. Bedford-row, and Hitchcock & Co. Manchester. Fiat, Aug. 9. Bankrupt's own petition.

**REDDEN** John, of Regent-street, in the town of Cambridge, in the county of Cambridge, coach-builder, *d. c.*—Official assignee, Belcher.—Sols. Nicholls & Co. Bedford-row, and Hunt, Cambridge. Fiat, Aug. 26. Bankrupt's own petition.

**CERTIFICATES to be allowed September 19.**

**Blake** John, of Sunderland, hardwreman.  
**Carr** Richard, of Fore-street, cheese monger.  
**Crabb** James, of Great Tey, bricklayer.

Hampson Kenrick Frederick Alexander, of Walnut-tree-walk, Lambeth, gas-fitter.  
 Hill Thomas James, late of Minerva-terrace and Cumberland-row, Islington, builder, now of Retreat-place, Hackney, out of business.  
 Howson Thomas, of Leeds, grocer.  
 Hurrell Allen, formerly of Brixton, but now of St. John's Wood, wine-merchant.  
 Slater Edward, of Brompton, cabinet-maker, (in partnership with James Sanders).  
 Walker James, jun., of Leeds, butcher.  
 Williams Lucy, of Oxford, woollen-draper.  
 Wright Francis, of Earl's Colne, builder.

**DIVIDENDS.**

Date of Fiat.

1844, **ARNOLD** John, the younger, of Farndon, Cheshire, and Henry Arnold, of Derby, carrying on business together as cheesefactors and merchants; joint and sep. div.  
 1826, **BROUGHTON** Charles Delves, and John Jasper Garnett, both of Nantwich, Cheshire, bankers; div. of C. D. Broughton.  
 1844, **NEWTON** Thomas, of Holbeach, Lincolnshire, cattle-dealer and trader; final div.

*Gazette, Tuesday, September 2.***BANKRUPTS.****TOWN AND COUNTRY FIATS.**

**BARON** George Stone, of Plymouth, in the county of Devon, money-scrivener, and also carrying on a trade or business at the Sutton Chemical Works, in Plymouth aforesaid.—Official assignee, Hirtzel.—Sols. Surr, Lombard-street, Gibson & Moore, Plymouth, and Luxmore, Plymouth. Fiat, Aug. 20. Pet. Cr. James King, of Plymouth, distiller.  
**BICKERTON** William, of the town or borough of Kingston-upon-Hull, timber-merchant and sawyer.—Official assignee, Fearn.—Sols. Brooke, Featherstone-buildings, Lightfoot & Earnshaw, Hull, and Bulmer, Leeds. Fiat, Aug. 25. Pet. Crs. Abraham Wade and John Wade, of Kingston-upon-Hull, timber-merchants.  
**JENKINS** Edward William, of Hungerford-market, in the county of Middlesex, wine, spirit and beer merchant, d. c., trading under the firm of E. W. Jenkins & Co.—Official assignee, Alsager.—Sol. Lewis, Lyon's Inn. Fiat, Aug. 29. Pet. Crs. William Kirwood, of No. 2, Old Cavendish-street, tailor, and Rowland Turner, his late copartner in trade.  
**SMITH** Walter, of the town of Abergavenny, in the county of Monmouth, innkeeper and victualler, d. c.—Official assignee, Kynaston.—Sols. Messrs. Bevan, Bristol. Fiat, Aug. 21. Pet. Crs. James Dowle, of Chepstow, wine-merchant, John Lewis and George Williams, of Abergavenny, coach-builders, and John and Philip Morgan, of Abergavenny, drapers.

**CERTIFICATES to be allowed September 23.**

Buckle John Brookes, of Kidderminster, mercer.  
 Cheetham Martha, and William Cheetham, of Manchester, piece-dealers.  
 Hensman John Henry, and Frederick Hensman, of Adelphi Wharf, coal-merchants.  
 Kipling Robert, of Wood-street, warehouseman, (partner with William Atkinson).  
 Lowthin John, and Richard Jackson Brinley, of Newcastle, printers.  
 Patterson Thomas of Gateshead Fell, earthenware manufacturer, (partner with John Codling).  
 Robson Thomas, jun., of Stoke-upon-Trent, porter-merchant.  
 Summers Jeremiah William, of Sunderland and Ovingham, coke-manufacturer.  
 Williamson William Hotton, of Dowgate-hill, tobacconist.

**DIVIDENDS.**

Date of Fiat.

1843, **BROOKER** John, of Southampton-row, Bloomsbury, Middlesex, carver and gilder and picture dealer; div.

Date of Fiat.

1842, **COCKBURN** James, of New Broad-street, London, merchant, trading under the firm of James Cockburn & Co.; div.  
 1845, **HARDY** John, and George Hardy, both of Wisbeach St. Peter, Cambridgeshire, grocers; joint div. and sep. div. of Hardy.  
 1844, **HILL** William, of Powis-street, Woolwich, Kent, builder; div.  
 1843, **ROLFE** William, of Thetford, Hertfordshire, farmer and on merchant; div.  
 1845, **STEADMAN** Richard, and William Adie, of Birmingham, Warwickshire, button-makers; sep. div. of Steadman.  
 1845, **YATES** John, of Guernsey, and of No. 22, York-road, Lambeth, Surrey, ship-owner; div.

*Gazette, Friday, September 5.***BANKRUPTS.****TOWN AND COUNTRY FIATS.**

**BIGMORE** Samuel Cullum, late of Haverill, in the county of Suffolk, straw-plait manufacturer, printer and stationer.—Official assignee, Whitmore.—Sol. Hare, Gray's Inn. Fiat, Aug. 11. Pet. Cr. George Knott, of King-street, Snow-hill, merchant.  
**DALTON** Joseph, Joseph Burn, and Robert Turpin, of the borough and county of Newcastle-upon-Tyne, earthenware-manufacturers, d. c., trading under the firm of Dalton, Burn & Company.—Official assignee, Baker.—Sols. Clayton & Cookson, Lincoln's Inn, and Clayton & Dunn, Newcastle. Fiat, Sept. 1. Pet. Crs. Edmund Latimer and Charles Porter, of Newcastle-upon-Tyne, coal-owners.  
**MAYER** Richard, of Longton, in the parish of Stoke-upon-Trent, in the county of Stafford, dealer in ale and porter, d. c.—Official assignee, Bittleston.—Sols. Young, Longton, and Smith, Birmingham. Fiat, Aug. 21. Bankrupt's own petition.  
**MENZIES** William, of the city of Gloucester, draper, mercer, grocer, tea-dealer, d. c.—Official assignee, Miller.—Sol. Jones, Six-lane, Fiat, Aug. 30. Pet. Crs. John Shaw Smith and Jonathan Richardson, of Watling-street, Irish linen manufacturers.  
**PARRY** Rowland, of the city of Bangor, in the county of Carnarvon, flour-dealer, d. c.—Official assignee, Bird.—Sols. Chester and Co. Staple Inn, and Mallaby & Co. Liverpool. Fiat, Aug. 27. Pet. Cr. James Brown, of Liverpool, gent., a partner and one of the registered public officers of a certain joint stock banking copartnership, called the North and South Wales Bank.  
**STARBUCK** Robert, of West-street, Gravesend, in the county of Kent, shipwright.—Official assignee, Pennell.—Sols. Southgate Gray's Inn, and Southgate & Son, Gravesend. Fiat, Aug. 19. Pet. Cr. John Pain, of Gravesend, grocer.

**CERTIFICATES to be allowed September 26.**

Flintoff George, of Plymouth, bookseller.  
 Mackay Daniel, of Liverpool, master-mariner.  
 Westmore Robert, of West Derby, joiner.

**DIVIDEND.**

Date of Fiat.

1842, **BISHOP** George, of St. Mary Axe, London, merchant in ship and insurance broker; div.

*Gazette, Tuesday, September 9.***BANKRUPTS.****TOWN AND COUNTRY FIATS.**

**COX** George, of Frankfort-street, in the borough of Plymouth, in the county of Devon, victualler.—Official assignee, Hermann.—Sols. Penkiville, West-street, Finsbury, Beer & Rundle, Devonport, and Stogdon, Exeter. Fiat, Sept. 4. Bankrupt's own petition.

DAVIES Stephen, of Somerset Wharf, Bankside, Southwark, in the county of Surrey, and of Time's Wharf, Wilton-road, Pimlico, in the county of Middlesex, coal-merchant.—Official assignee, Alsager.—Sols. Messrs. Husband & Wyatt, Gray's Inn-square. Fiat, Sept. 4. Pet. Crs. Thomas Smith and Benjamin Bell, of Water-lane, coal-factors.

RAMSDEN James, the elder, of Armley, in the parish of Leeds, in the county of York, cloth-manufacturer and worsted-spinner, *d. c.*—Official assignee, Fearn.—Sols. Sudlow & Co. Chancery-lane, and Naylor, Leeds. Fiat, Sept. 4. Bankrupt's own petition.

SAVAGE John, of Old Compton-street, Soho, in the county of Middlesex, victualler and tavern-keeper.—Official assignee, Pennell.—Sols. Springall & Co. Raymond-buildings. Fiat, Aug. 29. Pet. Cr. Robert Joseph Hastings, of Old Compton-street, Soho, victualler.

WARD Frederick, late of Rosoman-street, in the parish of St. James, Clerkenwell, in the county of Middlesex, oilman, *d. c.*—Official assignee, Whitmore.—Sol. Keighley, Basinghall-street. Fiat, Sept. 4. Bankrupt's own petition.

#### *CERTIFICATES to be allowed September 30.*

Clarkson Thomas, jun., of Charles-street, Middlesex Hospital, upholsterer's warehouseman.

Cole Frederick Lindsay, of Fenchurch-street, wine-merchant.

Commins John, of Weymouth, bookseller.

Furnival John, of Kettering, corn-dealer.

Lewis Joseph, of Birmingham, card and pasteboard manufacturer.

M'Alpine William, of Liverpool, tailor.

#### *DIVIDENDS.*

Date of Fiat.

1843, BLUNDELL Richard, of Alton, Southampton, plumber, glazier and ironmonger; div.

1844, CURRIE Robert, of Newcastle-upon-Tyne, bookseller and stationer; final div.

1845, GORBELL Thomas Kewell, of Bedford-place, Commercial-road, Mile-end Old-town, St. Dunstan, Stepney, Middlesex, bookseller and stationer; div.

1844, GREENHOW Conrad Haverkham, of North Shields, Northumberland, ship and insurance broker; div.

1842, HILL William, and William Kemble Wackerbath, of Leadenhall-street, London, ship and insurance agents and merchants; div.

1844, LAMBERT John, of New Elvet, in or near Durham, grocer and flour dealer; final div.

1843, NETTLETON George, of Brompton, Kent, tailor; div.

1844, OWEN Barnard Benjamin, and Bernard George Owen, both of Pall-mall, Middlesex, tailors; div.

1826, PHILLIPS Nathaniel, of Haverfordwest, banker (since deceased); div.

1845, REES Thomas, of Liverpool, Lancashire, porter and ale brewer; div.

1844, REVELY Thomas, jun., of Newcastle-upon-Tyne, plumber and brass-founder; final div.

1842, SCOTT John, of Birmingham, Warwickshire, gun-maker and manufacturer; final div.

1840, STAINTHORPE John, of Hexham, Northumberland, common brewer and maltster; div.

1841, STAMMER John, of No. 17, Charles-street, Grosvenor-square, Middlesex, brush-dealer; div.

1840, WRIGHT Thomas, of Newcastle-upon-Tyne, ship-broker and fitter; final div.

*Gazette, Friday, September 12.*

#### *BANKRUPTS.*

##### *TOWN AND COUNTRY FIATS.*

ADAMSON John, of Stockport, in the borough of Stockport, grocer, tea-dealer, *d. c.*—Official assignee, Hobson.—Sols. Coppock, Cleveland-row, St. James's, and Coppock & Woollam, Stockport. Fiat, Sept. 8. Pet. Crs. George Crossfield, William Crossfield, James Crossfield, jun. and Henry Crossfield, of Liverpool, wholesale grocers.

COOMBES Nathaniel George, of No. 20, Craven-street, Strand, coal-merchant, lately of No. 457, West Strand, in the county of Middlesex, then carrying on business in partnership with Richard Robinson, since bankrupt, as coal-merchants, (trading under the names of Coombes & Robinson.—Official assignee, Groom.—Sol. Manning, Craven-street. Fiat, Sept. 8. Bankrupt's own petition.

SHARP Robert Johnson, of Liverpool, in the county of Lancaster, victualler.—Official assignee, Turner.—Sols. Vincent & Sherwood, Temple, and Jones, Liverpool. Fiat, Sept. 8. Bankrupt's own petition.

SOFFE William, of No. 380, Strand, in the county of Middlesex, print-seller and publisher.—Official assignee, Whitmore.—Sol. Sanger, Essex-street, Strand. Fiat, Sept. 8. Bankrupt's own petition.

SUTCLIFF John, of Halifax, in the county of York, rectifier and spirit-merchant, *d. c.*—Official assignee, Young.—Sols. Emmett & Allen, Bloomsbury-square, Messrs. Alexanders, Halifax, and Courtenay, Leeds. Fiat, Aug. 28. Pet. Crs. Levi Ames, John Ames, and Thomas Harris, of Bristol, malt-distillers.

#### *CERTIFICATES to be allowed October 3.*

Banks Joseph, of Liverpool, tallow-chandler.

Nell William, of Ardwick and Manchester, brewer and wine-merchant.

Welch James, of Holloway, and Chalgrave, Bedfordshire, victualler and cattle-dealer.

#### *DIVIDENDS.*

Date of Fiat.

1838, BAZLEY John Hilton, of Manchester, Lancashire, cotton-manufacturer, and also carrying on business at King-street, Cheapside, London, with Hussey Chapman, as Manchester warehousemen; final div.

1845, THORNTON Charles, of Huddersfield, Yorkshire, stationer and bookseller; first and final div.

*Gazette, Tuesday, September 16.*

#### *BANKRUPTS.*

##### *TOWN AND COUNTRY FIATS.*

COOK Elijah, of No. 11, Little Newport-street, Soho, in the county of Middlesex, grocer, tea-dealer, *d. c.*—Official assignee, Whitmore.—Sol. Elken, Fenchurch-street. Fiat, Sept. 12. Pet. Cr. Edward Baillie, of No. 50, Newington-causeway, grocer.

MACKENZIE Roderick, of Hunter-street, Brunswick-square, in the county of Middlesex, and of Bond-court, Walbrook, in the city of London, commission-agent.—Official assignee, Alsager.—Sol. Kinsey, Bloomsbury-square. Fiat, Sept. 11. Bankrupt's own petition.

OWEN Hugh Jones, of Madeley, in the county of Salop, surgeon, apothecary, vender of drugs, *d. c.*—Official assignee, Christie.—Sols. Motteram & Knowles, Birmingham. Fiat, Sept. 8. Bankrupt's own petition.

STEVENSON John, of No. 26, Frederick's-place, Hampstead-road, in the county of Middlesex, china and glass dealer.—Official assignee, Alsager.—Sol. Long, Clarendon-square. Fiat, Sept. 12. Pet. Cr. Josiah Stevenson, of No. 63, Great Titchfield-street, piano forte maker.

**TAYLOR** James, Adam Adshead, Silas Garner, Joseph Warren, and Wright Hulme, all of the borough of Stockport, and William Barnes, of Ratcliffe Bridge, in the county of Lancaster, cotton-manufacturers, *d. c.* and copartners in trade, carrying on business in copartnership together, at Stockport, in the said borough.—Official assignee, Pott.—Sols. Coppock, Cleveland-row, St. James's, and Coppock & Woodlam, Stockport. Fiat, Sept. 2. Pet. Cr. Robert Harlow, of Heaton Norris, brass-founder.

*CERTIFICATES to be allowed October 7.*

Dale William, of London-wall, boot-maker.

Lloyd William, of Liverpool, wine-merchant.

*DIVIDENDS.*

Date of Fiat.

1845, **BAXTER** Robert, of Sheffield, Yorkshire, merchant and table knife manufacturer, trading under the style or firm of Robert Baxter & Co.; first div.

1825, **FORD** William, of Exeter, nurseryman; div.

1845, **PARSONS** William, of Temple-street, Bristol, brewer; div.

1845, **PEARSON** Lazenby, of Newcastle-upon-Tyne, currier and leather-dealer; div.

1841, **SELDON** Frederick, and James Mann, late of the Old Trinity House, Water-lane, London, wine and spirit merchants; div.

1845, **STEADMAN** Richard, and William Adie, of Birmingham, Warwickshire, button-makers; final div.

*Gazette, Friday, September 19.*

*BANKRUPTS.*

*TOWN AND COUNTRY FIATS.*

**BLOW** George Fordham, of No. 21, Great Dover-street, Newington, in the county of Surrey, currier.—Official assignee, Bell.—Sols. Rhodes & Lane, Chancery-lane. Fiat, Sept. 15. Pet. Crs. William Mortimore, William Buckler and Robert Vicary, of the New Leather Warehouse, Bermondsey, leather-factors.

**CANNELL** James Fleetwood, of Liverpool, in the county of Lancaster, bookseller and stationer.—Official assignee, Turner.—Sols. Gregory & Co. Bedford-row, and Gaskill, Wigan. Fiat, Sept. 12. Pet. Cr. The Right Hon. James Earl of Balcarres Baron Wigan, of Haigh Hall, Lancashire.

**HARNESS** Robert Ludgate, of Dulverton, in the county of Somerset, spirit-dealer, *d. c.*—Official assignee, Hirtzel.—Sol. Brisley, Pancras-lane, Cheapside. Fiat, Sept. 11. Pet. Crs. Edward Rose Swaine and Joseph Boord, of Bartholomew-close, distillers.

**MEEK** James, of the parish of Ruardean, in the county of Gloucester, coal-proprietor, quarryman, *d. c.*—Official assignee, Hutton.—Sols. Beeke, Lincoln's Inn, and Whatley, Mitchel Dean, Gloucestershire. Fiat, Sept. 8. Bankrupt's own petition.

**ROBINSON** William Mills, of Burnham, in the county of Buckingham, draper, grocer, *d. c.*—Official assignee, Pennell.—Sol. Jacobs, Winchester-buildings, Great Winchester-street. Fiat, Sept. 8. Pet. Crs. Elias Davis, David Moses, and Samuel Moses, of Aldgate, clothiers.

*CERTIFICATES to be allowed October 10.*

Herbert Robert Mayow, of Reading, tea-dealer.

Hodges William, of Duke-street, Bloomsbury, hide-dealer.

Smith John, of Southampton, corn-merchant.

Wood Josiah Swann, of Liverpool, wine-merchant.

*DIVIDENDS.*

Date of Fiat.

1844, **CREIGH** Benjamin, and Thomas Russell Creigh, of Newcastle-upon-Tyne, cartwrights and builders; div. of T. R. Creigh.

Date of Fiat.

1842, **HOLROYD** John, of Wheatley, near Halifax, Yorkshire, cotton-warp maker; fur. div.

1843, **SHARRATT** Charles, of Walsall, Staffordshire, saddler, ironmonger and factor; final div.

*Gazette, Tuesday, September 23.*

*BANKRUPTS.*

*TOWN AND COUNTRY FIATS.*

**BEST** Charles, of No. 5, Saint James's-walk, Clerkenwell, in the county of Middlesex, printer.—Official assignee, Johnson.—Sol. Jackson, St. Helen's-place. Fiat, Sept. 19. Pet. Cr. John Wheaton, of Bath-street, Newgate-street, esq.

**GALE** James, of Little Albany-street, Regent's-park, in the parish of Saint Pancras, in the county of Middlesex, candle-manufacturer, *d. c.*—Official assignee, Graham.—Sol. Hilleary, Fenchurch-street. Fiat, Sept. 16. Pet. Crs. Henry Weston and Charles Allen Young, of Wellington-street, Southwark, bankers.

**LOCKHART** Theodore, and Charles Lockhart, both of No. 154, Cheapside, in the city of London, and also of Fulham, in the county of Middlesex, florists and seedsmen, and copartners in trade.—Official assignee, Turquand.—Sols. Durrant & Co. Gray's Inn-square. Fiat, Sept. 18. Bankrupt's own petition.

**SANDERSON** Thomas, of Liverpool, in the county of Lancaster, coal-merchant, late copartner with Henry John Cooke, under the firm of Sanderson & Cooke.—Official assignee, Bird.—Sols. Rogerson, Lincoln's Inn-fields, and Davies, Liverpool. Fiat, Sept. 11. Bankrupt's own petition.

*CERTIFICATES to be allowed October 14.*

Crabtree John, and William Burnley, of Tunstead, woollen manufacturers.

Gardner James Meakin, of Liverpool, wine-merchant.

John William, of West Smithfield, wine-merchant.

Leplastrier Louis, of Alfred-street, River-terrace, Islington, and St. Michael's-alley, Cornhill, watch-maker.

Parry David, of Ruthin, currier.

Rawe William Hayward, of Portsea, currier.

Smith Edmund, Robert Smith, and Joseph Swann, of Woodhead, provision-dealers.

Walters William, of Crawford-street, silk-mercer.

*DIVIDENDS.*

Date of Fiat.

1844, **BOWEN** William, of Merthyr Tidvil, Glamorganshire, grocer and tallow-chandler; div.

1844, **BREZ** John James, of the borough and city of Chester, tailor and draper; div.

1845, **BYFORD** George, of Liverpool, Lancashire, wholesale grocer; div.

1845, **COOKE** Henry, of Liverpool, Lancashire, painter and paper-hanger; div.

1834, **FORSTER** William, of Liverpool, Lancashire, tailor and woollen-draper; div.

1844, **HASELDEN** James, of Bolton-le-Moors, Lancashire, cotton-spinner and manufacturer; first div.

1841, **MILNE** John, of High Crompton, within Crompton, Lancashire, *d. c.*; fur. div.

1845, **NELL** William, of Ardwick, and of Manchester, Lancashire, common brewer, and wine and spirit merchant; div.

1845, **PIPER** Thomas Foot, of No. 94, Cheapside, and of No. 4, Bishopgate-street Without, both in London, and of No. 2, Thomas-place, North-street, Whitechapel, Middlesex, and of Union-road, Landport, Hants, wholesale stay manufacturer; div.

Gazette, Friday, September 26.

**BANKRUPTS.****BANKRUPTCY SUPERSEDED.****STOCKS** William, of Huddersfield, merchant.**TOWN AND COUNTRY FIATS.**

**BURTON** Sophia, and John Burton, both of the borough of Kingston-upon-Hull, chemists, druggists, and copartners in trade, *d. c.*, trading under the firm of Ross & Burton.—Official assignee, Fearn.—Sols. Bell & Co. Bow-churchyard, Tenney, Hull, and Horsfall & Harrison, Leeds. Fiat, Sept. 22. Pet. Cr. Samuel Ross Burton, of Hull, merchant.

**CHARITY** William, of Alford, in the county of Lincoln, builder and victualler, *d. c.*—Official assignee, Hope.—Sols. Scott & Co. Lincoln's Inn-fields, Bourne & Son, Alford, and Bulmer, Leeds. Fiat, Sept. 8. Bankrupt's own petition.

**COUPER** George, of West Boldon and South Shields, in the county of Durham, cinder-burner.—Official assignee, Wakley.—Sols. Harle, Newcastle, and Chisholme & Co. Lincoln's Inn-fields. Fiat, Sept. 22. Pet. Cr. Thomas Stafford, of Hilton Bridge, Durham, farmer.

**COTSWORTH** Thomas, late of Reading, in the county of Berks, but now of Salisbury, in the county of Wilts, builder, *d. c.*—Official assignee, Turquand.—Sols. Pinniger & Co. John-street, Bedford-row. Fiat, Sept. 15. Pet. Cr. Job Pictor, of Box, Wilts, quarryman.

**HORNBY** Benjamin, of Hoylake, in the county of Chester, inn-keeper.—Official assignee, Bird.—Sols. Skilbeck & Hall, Southampton-buildings, and Thompson, Liverpool. Fiat, Sept. 11. Bankrupt's own petition.

**JONES** Edward, the elder, of Budge-row, in the city of London, pasteboard manufacturer and coloured paper maker, *d. c.*—Official assignee, Whitmore.—Sol. May, Queen-square, Bloomsbury. Fiat, Sept. 22. Pet. Cr. Thomas Stormer, of Luton, Bedfordshire, tailor and draper.

**CERTIFICATES to be allowed October 17.**

**Crich** James, of Sheffield, maltster.

**Davenport** John, of Little Love-lane, hosier.

**Evans** John, of Liverpool, ironmonger.

**Forrester** James, of Hampstead, baker.

**Hilditch** William, of St. Asaph, druggist.

**Page** Frederick, of Southampton, builder.

**Peacock** George, of St. George's-road, corn-dealer.

**Rawlings** Francis John, of Cheltenham, cabinet-maker, (partner with Mary Rawlings).

**Stocks** George William, of Norwich, linen-draper.

**DIVIDENDS.**

Date of Fiat.

1843, **BENNETT** Thomas, of New City Chambers, Bishopsgate-street Within, London, timber-merchant; div.

1844, **BRETT** John, of Whittington-street, Bury St. Edmunds, Suffolk, currier and leather-seller; div.

1845, **BROWN** John James, of Bury St. Edmunds, Suffolk, grocer; div.

1845, **CRABTREE** John, and William Burnley, both of Tunstead, in Rossendale, Lancashire, woollen-manufacturers; joint div.

1840, **ELSTOB** Dryden, of Conduit-street, Bond-street, Middlesex, underwriter; final div.

1846, **IRVING** John, of Blackburn, Lancashire, linen and woollen draper and tea-dealer; div.

1844, **KING** James Bagster, of Newgate-street, London, and of Hampstead, Middlesex, merchant, warehouseman and bill-broker; div.

1841, **MITCHELL** Rowland, of Lime-street, London, merchant; joint and sep. div.

1844, **MOUTRIE** James, of Bristol, music-seller and dealer in musical instruments; div.

10.—BANKR. 1845.

Date of Fiat.

1845, **MOYES** William, and Thomas Moring, of No. 31, Camomile-street, London, carmen; joint div.

1845, **PEERS** George Tuppeny, of Ironmonger-lane, Cheapside, London, plumber, painter and glazier; div.

Gazette, Tuesday, September 30.

**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

**BARRY** Elisa, of the city of Bristol, victualler, *d. c.*—Official assignee, Kynaston.—Sols. White & Co. Bedford-row, and Messrs. Bevan, Bristol. Fiat, Sept. 23. Pet. Crs. John Wyatt, sen. and jun. of Bristol, maltster.

**FREEMAN** Richard, of No. 22, Edward-street, Portman-square, in the county of Middlesex, hosier and glover, *d. c.*—Official assignee, Johnson.—Sol. Reed, Friday-street. Fiat, Sept. 30. Pet. Crs. Samuel, John, Benjamin, and Arthur Morley, of Wood-street, warehousemen.

**GIBSON** John, of No. 20, Motcombe-street, Belgrave-square, in the county of Middlesex, oilman, *d. c.*—Official assignee, Bell.—Sols. Taylor & Collisson, Great James-street. Fiat, Sept. 25. Bankrupt's own petition.

**HUGHES** Robert, of No. 115, Piccadilly, in the parish of St. George, Hanover-square, in county of Middlesex, upholsterer, cabinet-maker, *d. c.*—Official assignee, Turquand.—Sol. M'Duff, Castle-street, Holborn. Fiat, Sept. 24. Pet. Cr. William Thomas Bullen Lund, of Haverstock-hill, Hampstead, administrator of John Lund, deceased.

**HUGHES** John, of Manchester, in the county of Lancaster, provision dealer, *d. c.*—Official assignee, Hobson.—Sols. Gregory & Co. Bedford-row, and Hitchcock & Co. Manchester. Fiat, Sept. 22. Pet. Cr. John Moss, of Manchester, corn-merchant.

**JARMAN** William, of Wigton, in the county of Cumberland, chemist and druggist, *d. c.*—Official assignee, Baker.—Sols. Gray, Staple Inn, Leazenby, Wigton, and Ingledew, Newcastle. Fiat, Sept. 9. Pet. Crs. John Bushby and Thomas Dawson, of Carlisle, grocers.

**MANNING** Samuel, of No. 17, Newman-street, Oxford-street, in the county of Middlesex, stone-mason, *d. c.*—Official assignee, Bell.—Sol. Sutcliffe, New Bridge-street. Fiat, Sept. 25. Bankrupt's own petition.

**NOONE** George Edward, of No. 43, East-street, Manchester-square, in the county of Middlesex, engineer and manufacturer of pumps and gas apparatus, *d. c.*—Official assignee, Johnson.—Sol. Bevan, Old Jewry. Fiat, Sept. 23. Pet. Cr. Frederick William Rudkin, of Somers-place, New-road, coal-merchant.

**PAINE** George Alfred, of No. 31, High-street, Bloomsbury, in the county of Middlesex, church clock maker.—Official assignee, Graham.—Sol. Hilleary, Fenchurch-street. Fiat, Sept. 25. Bankrupt's own petition.

**RAYNER** James, of Rougham, in the county of Norfolk, licensed victualler.—Official assignee, Johnson.—Sol. Wilkin, Furnival's Inn. Fiat, Sept. 26. Bankrupt's own petition.

**ROBERTS** Thomas, of Liverpool, in the county of Lancaster, commission agent, *d. c.*—Official assignee, Morgan.—Sols. Mitton & Neale, Southampton-buildings, and Smith, Liverpool. Fiat, Sept. 25. Pet. Crs. Anson Green Phelps, William Dodge, Daniel Banks, James Banks, and Thomas Norris Banks, of Liverpool, merchants.

**SHANKLIN** Robert, of Salford, in the county of Lancaster, druggist, *d. c.*—Official assignee, Pott.—Sols. Norris & Co. Bartlett's-buildings, and Norris, Manchester. Fiat, Sept. 19. Pet. Crs. Charles Higgins and Thomas Eyre, of Liverpool, wholesale druggists.

**THOMPSON** James, and John Thompson, both of Leeds, in the county of York, stock and share brokers, *d. c.* and copartners, trading at Leeds aforesaid, under the name, style or firm of Thompson & Son, and the said James Thompson formerly carried on



business at Leeds aforesaid, in partnership with John Fidlín, as stuff-merchants, under the name or firm of Thompson & Fidlín, and which said John Thompson formerly carried on the business of a stock and share broker, also at Leeds aforesaid, in copartnership with Abraham Hindes, under the name, style, or firm of Hindes & Thompson.—Official assignee, Fearn.—Sols. Williamson & Hill, Gray's Inn, and Cariss, Leeds. Fiat, Sept. 25. Bankrupt's own petition.

WARWICK James, of the Hall of Commerce, Threadneedle-street, in the city of London, and of Enfield, in the county of Middlesex, merchant, *d. c.*—Official assignee, Bell.—Sols. Venning & Co. Tottenham-house-yard. Fiat, Sept. 18. Pet. Cr. Leonard Marshall, of James-street, Old-street, cabinet-maker.

WEBBER William, of Horndean, in the parish of Catherington, in the county of Hants, grocer, draper, *d. c.*—Official assignee, Turquand.—Sols. Lowe, Chancery-lane, and Ford, Portsea. Fiat, Sept. 25. Bankrupt's own petition.

#### CERTIFICATES to be allowed October 21.

Armani Antonio Nicholas, of Scott's-yard, Bush-lane, merchant.  
May William, of Liverpool and New Ferry, merchant.  
Smith John, of Rugeley, money-scrivener.

#### DIVIDENDS.

Date of Fiat.

- 1834, BROOKES Ambrose, of Newport, Salop, scrivener; div.
- 1841, CAMPION Robert, and John Campion, of Whitby, Yorkshire, bankers; first sep. div. of Robert Campion.
- 1841, CAMPION John, and William Campion, of Whitby, Yorkshire, ship-builders; final joint div., and final sep. div. of J. Campion.
- 1845, CLIFTON Thomas, of Barnard Castle, Durham, printer, stationer and bookseller; div.
- 1842, CROSBY William, Benjamin Valentine, and Benjamin White, of Houndsditch and Leadenhall-street, both in London, and of Birmingham, Warwickshire, hardwaremen and toy dealers, trading under the firm of Crosby and Valentine; div.
- 1845, HALL William, of Claypath, Durham, grocer and flour-dealer; final div.
- 1844, HOWDEN Joseph, of Wakefield, Yorkshire, iron-founder and engine manufacturer; first and final div.
- 1844, HOWLAND Robert, of Thame, Oxfordshire, auctioneer; div.
- 1825, LEE William, of Charing-cross, Westminster, hosier; div.
- 1842, PALLISTER John Goodchild, and James May Butterfint Newrick, of Sunderland, Durham, grocers and tea-dealers, millers and ship-owners; final joint div.
- 1842, TIMMIS Charles, of Darlaston Green, in Stone, Staffordshire, flint grinder; div.
- 1843, TURNER Hewitt Fysh, of Myddleton-street, Clerkenwell, Middlesex, painted baize manufacturer; div.
- 1841, WARDELL William Joseph, of Pickering, Yorkshire, wine and spirit merchant; final div.
- 1844, WATSON James, of Carlisle, grocer; final div.

#### Gazette, Friday, October 3.

#### BANKRUPTS.

##### TOWN AND COUNTRY FIATS.

DAVIES Thomas, of Liverpool, in the county of Lancaster, merchant and commission agent, *d. c.*—Official assignee, Casenove.—Sols. Reed, Friday-street, and Sale & Co. Manchester. Fiat, Sept. 30. Pet. Crs. William Barlow Worthington, Walter Worthington, and Job Judd, of Manchester, warehousemen.

LIMES James Hurlstone, of Richmond, in the county of Surrey, butcher, *d. c.*—Official assignee, Green.—Sol. Smith, Barnard's Inn. Fiat, Oct. 2. Bankrupt's own petition.

M'ENTIRE Robert, of Paternoster-row, in the city of London, and of Barnsbury-square, in the county of Middlesex, commission-agent, *d. c.*—Official assignee, Graham.—Sol. Young, Warwick-square. Fiat, Oct. 3. Pet. Crs. Thomas Turner and Westrup Thomas Turner, of Lavenham, Suffolk, woolstaplers.

STAYT William, of Finstock, in the county of Oxford, baker.—Official assignee, Bell.—Sols. Nichols & Doyle, Bedford-row, and Thompson, Oxford. Fiat, Sept. 17. Pet. Cr. Joseph Straze, of Oxford, corn-dealer.

#### CERTIFICATES to be allowed October 24.

Allen Manning, St. Helen's, butcher.  
Greenhow Conrad Haverkham, of North Shields, ship and insurance broker.  
Kingsford John, and Flavius Ebenzer Kingsford, of Dover, wine-merchants.  
Lawrence Joseph, of Northampton, tobaccoconist.  
Lawrie George, of Fleetwood-upon-Wyre, chemist.  
Lovell Thomas, of Henstridge Marsh, Somerset, dealer.  
Monkhouse William Cam, of Aberystwyth, wine-merchant.  
Nelson James Marks, of Liverpool, general broker.  
Robson William, of Chipping Barnet, grocer.  
Sandars Charles, of Derby, corn-merchant.  
Simons John, sen. Camden Wharf, Camden-town, coal-merchant.  
Spencer Joseph, jun. of Liverpool, builder.  
Thomas Edward, of Bristol, wine-merchant.  
Witchell Henry James, of Carnarven, bookseller.  
Wood Henry, of Abchurch-lane, and Farnham-place, Old Gravel-lane, agent and tanner.

#### DIVIDENDS.

Date of Fiat.

- 1841, BARBER John Vaughan, of Walsall, Staffordshire, banker, surviving partner of William Marshall, late of Walsall aforesaid, banker, deceased, and which said John Vaughan Barber and William Marshall, up to the death of William Marshall, carried on the business of bankers, under the style or firm of Barber & Marshall; joint div., and final sep. div. of Barber.
- 1844, BONES Christopher, of Bath, shoe-maker and cordwainer; div.
- 1844, BREWER Thomas, of Liverpool, Lancashire, flag-dealer and pavior; final div.
- 1845, DANKS John, of Birmingham, Warwickshire, wharfinger and carrier; div.
- 1845, LORRAINE Fenwick, of Newcastle-upon-Tyne, bookseller and stationer; first div.
- 1839, MEAD Samuel, and William Mead, of Liverpool, Lancashire, iron-merchants; sep. div. of Mead.
- 1845, TALLENT Alfred, the elder, of Ipswich, Suffolk, provision dealer and general merchant; div.

#### Gazette, Tuesday, October 7.

#### BANKRUPTS.

##### TOWN AND COUNTRY FIATS.

HALL William Lawton, of Liverpool, in the county of Lancaster, victualler, *d. c.*—Official assignee, Morgan.—Sols. Gregory & Co. Bedford-row, and Green, Liverpool. Fiat, Oct. 2. Bankrupt's own petition.

LAURENCE Samuel, of Bedford-street, Covent-garden, in the county of Middlesex, dealer in watches, plate and jewellery.—Official assignee, Graham.—Sol. Strutt, Buckingham-street. Fiat, Sept. 22. Pet. Cr. Samuel Solomon, of Covent Garden-market, fruiterer.

MIDDLETON Joseph, of Aveley, in the county of Essex, hay and straw salesman.—Official assignee, Green.—Sols. Messrs. Hillier, Fenchurch-street. Fiat, Oct. 2. Bankrupt's own petition.

MORTIMER John, of Adelaide-street, West Strand, in the county of Middlesex, bookseller, *d. c.*—Official assignee, Follett.—Sol. Donne, New Broad-street. Fiat, Oct. 2. Bankrupt's own petition.

SWALLOW Joseph, of Manchester, in the county of Lancaster, share-broker, share-dealer, *d. c.*—Official assignee, Hobson.—Sols. Reed, Friday-street, and Sale & Co. Manchester. Fiat, Sept. 14. Bankrupt's own petition.

**THACKWAY** William Garrett, of No. 12, Union-place, New-road, Marylebone, in the county of Middlesex, tailor.—Official assignee, Turquand.—Sol. Justice, Berners-street. Fiat, Oct. 2. Bankrupt's own petition.

**WINSTON** Thomas, of No. 3, Copthall-buildings, in the city of London, merchant, *d. c.*—Official assignee, Belcher.—Sol. Cox, Sisle-lane. Fiat, Sept. 30. Pet. Cr. Thomas Flight, of Bond-court House, esq.

**CERTIFICATES to be allowed October 28.**

**Butterill** William, of Sheffield, grocer.  
**Carscaden** William Richard, of Leeds, hosier.  
**Leader** John Morgan, of Oxford-street, coach-maker.  
**Mathews** William, of Lisson-grove North, pianoforte maker.  
**Powell** Thomas, of Kippax, brick-maker.  
**Reece** James, of Axminster, ironmonger.  
**Robinson** John, of Beverley, spirit-merchant.

**.DIVIDEND.**

**Date of Fiat.**

**1841, KNIGHT** James, of Wigan and Haydock, both in Lancashire, butcher and tanner; div.

**Gazette, Friday, October 10.**

**BANKRUPTS.**

**TOWN AND COUNTRY FIATS.**

**BROWN** William, and Thomas Preston, the younger, now or lately carrying on business at Manchester, in the county of Lancaster, in partnership together as cotton-spinners and manufacturers, *d. c.*—Official assignee, Pott.—Sols. Humphrys & Co. Chancery-lane, and Cunliffe & Co. Manchester. Fiat, Oct. 3. Pet. Crs. John Sharples Ormerod, Robert Hyde Greg, and John Greg, of Manchester, merchants.

**ELLIOTT** Job, of Beer-lane, Great Tower-street, in the city of London, ship and house smyth, *d. c.*—Official assignee, Follett.—Sol. Hodgson, Great Tower-street. Fiat, Oct. 9. Bankrupt's own petition.

**FARRAR** Joseph, of Leeds, in the county of York, and John Farrar, of Halifax, in the said county, woolstaplers and partners in trade.—Official assignee, Fearn.—Sols. Jaques & Edwards, Ely-place, Edwards, and Cronhelm, Leeds. Fiat, Sept. 30. Pet. Cr. James Gankroger, of Halifax, commission-agent.

**GLOVER** Elizabeth, of Shelton, in the parish of Stoke-upon-Trent, in the county of Stafford, publican.—Official assignee, Christie.—Sols. Griffin, Shelton, and Motteram & Knowles, Birmingham. Fiat, Sept. 25. Bankrupt's own petition.

**LILLY** John, of the Brinepitta, in the parish of Dodderhill, and also of the Forest, in the parish of Hanbury, both in the county of Worcester, farmer and cattle-dealer, *d. c.*—Official assignee, Whitmore.—Sols. Hydes & Tymbs, Worcester, and Hall, New Boswell-court. Fiat, Oct. 6. Pet. Cr. Thomas Lett, of Stoke Prior, Worcester-shire, miller.

**CERTIFICATE to be allowed October 31.**

**Murtis** John Harrison, of Soho-square, bookseller.

**DIVIDENDS.**

**ate of Fiat.**

**1842, BUISSON** John Francis, of Brabant-court, Philpot-lane, London, merchant; div.

**1825, CHAMBERS** Abraham Henry, the elder, and Abraham Henry Chambers the younger, late of New Bond-street and South Molton-street, Middlesex, bankers; joint div., and sep. div. of A. H. Chambers, sen.

**1845, CHEETHAM** Martha, and William Cheetham, both of Smedley, township of Cheetham, in Manchester, Lancashire, piece-dyers, carrying on business under the style or firm of Martha Cheetham & Son; div.

**1845, DALTON** Charles, of the Canal-bridge, Old Kent-road, Surrey, stone-mason; div.

**1845, JONES** John, of Pinchbeck, Lincolnshire, butcher; first and final div.

**Date of Fiat.**

**1845, LOWTHIN** John, and Richard Jackson Brinley, of Newcastle-upon-Tyne, printers; joint div.

**1844, PATTERSON** Thomas, and John Codling, of Sheriff Hill, in Gateshead Fell, Durham, earthenware manufacturers; joint div. and first and final div. of Patterson.

**1816, SMITH** Ann, and John Smith, late of Rochdale, Lancashire, merchants; first and final div.

**1844, WEIR** William, of Carlisle, Cumberland, iron-merchant; final div.

**Gazette, Tuesday, October 14.**

**BANKRUPTS.**

**TOWN AND COUNTRY FIATS.**

**ASHWORTH** Thomas, and Michael Septimus Keyworth, of Manchester, Lancashire, common brewers and copartners in trade.—Official assignee, Fraser.—Sols. Harding, Manchester, and Maples & Co. Old Jewry. Fiat, Oct. 2. Pet. Crs. Edward and George Sandars, of Manchester, corn-factors, and Peter Hartley, of the same place, corn-factor.

**CHAPMAN** Robert James, of Bedford New-road, Clapham, in the county of Surrey, market-gardener, *d. c.*—Official assignee, Johnson.—Sol. Buchanan, Basinghall-street. Fiat, Oct. 9. Bankrupt's own petition.

**GIBSON** Henry George, of the borough and county of Newcastle-upon-Tyne, chemist and druggist, *d. c.*—Official assignee, Wakley.—Sols. Plumtree, Temple, and Cram, Newcastle. Fiat, Oct. 6. Pet. Cr. William Walker, of Gateshead, gent. on behalf of the Newcastle Commercial Banking Company.

**SHILLAM** Thomas Fielder, of Dudbridge, in the county of Gloucester, wool-broker and cloth-dealer.—Official assignee, Hutton.—Sols. Brisley, Pancras-lane, and Paris, Stroud. Fiat, Oct. 9. Pet. Cr. Richard Lewis, of Wootton-under-Edge, clothier.

**WILLIAMS** James Smith, of No. 6, Clement's-lane, Lombard-street, in the city of London, master mariner, *d. c.*—Official assignee, Graham.—Sol. Keighley, Basinghall-street. Fiat, Oct. 9. Bankrupt's own petition.

**CERTIFICATES to be allowed November 4.**

**Brain** John, of Holford-square, Pentonville, engraver.  
**Burbury** John, of Leek Wootton, maltster.  
**Eastwood** Thomas, of Brighton, grocer and cheesemonger.  
**Langston** Thomas, of Manchester, share-broker.  
**Mabbs** James, jun., of Chichester, baker.  
**Smith** John, of St. Dunstan's-hill, ship-broker.  
**Walker** Henry Decimus, of Eaton Socon, innkeeper.

**DIVIDENDS.**

**Date of Fiat.**

**1844, BATES** William Henry, of Birmingham, Warwickshire, factor; final div.

**1845, BENNETT** James, of New Mills, in Little Birch, Herefordshire, cattle-dealer; div.

**1845, BOUSFIELD** Thomas, of Lincoln, ironmonger and brazier; div.

**1845, EASTWOOD** Thomas, of Brighton, Sussex, grocer and cheesemonger; div.

**1841, FISHER** John and Elizabeth, of Maghull, Lancashire, wine and spirit merchants; div.

**1844, GREEN** Tom Walter, of Leeds, Yorkshire, bookseller and printer; div.

**1842, HERRING** John, and William Herring, of Newcastle-upon-Tyne, merchants; final joint div.

**1840, HORTON** Thomas, of Spon-lane Ironworks, in Westbromwich, Staffordshire, iron-founder; final div.

**1842, HOLYLAND** Thomas, of Manchester, Lancashire, woollen-cloth manufacturer; div.

**1843, IMRAY** James, of Old Fish-street-hill, Upper Thames-street, London, and also of the Minorities, London, chart-seller; div.

## Date of Fiat.

- 1844, JONES Benjamin Samuel, of Wrockwardine Wood, in Wrockwardine, Salop, grocer, draper, provision dealer and beer seller; div.
- 1845, LEWIS Joseph, of Birmingham, Warwickshire, card and paste-board and coloured paper manufacturer; div.
- 1814, PENFOLD James, of Goring, Sussex, farmer; final div.
- 1835, SMALLWOOD Thomas, of Birmingham, Warwickshire, grocer; final div.
- 1845, SPENCER Jonas, of Denholm Carr, in Thornton, parish of Bradford, Yorkshire, worsted-piece manufacturer; div.
- 1823, WOOD John, of Cardiff, Glamorganshire, baker, trading under the firm of Wood, Wood & Co.; div.

## Gazette, Friday, October 17.

## BANKRUPTS.

## BANKRUPTCY SUPERSEDED.

WINSTON Thomas, of Copthall-buildings, merchant.

## TOWN AND COUNTRY FIATS.

- BROOKS John, and James Brooks, both of Glastonbury, in the county of Somerset, curriers and woollen-draper. — Official assignee, Miller. — Sols. Naish & Rocke, Glastonbury. Fiat, Oct. 6. Pet. Cr. James Jacobs, of Glastonbury, currier and woollen-draper.
- LOCKWOOD William, of Hightown, in the parish of Birstal, in the county of York, worsted-spinner and stuff-manufacturer, d. c. — Official assignee, Young. — Sols. Flower, Bread-street, Wood, Bradford, and Cariss, Leeds. Fiat, Oct. 9. Pet. Crs. William Smith, Martha Illingworth, and John Wright, of Bradford, worsted-spinners.
- PHILLIPS William, late of Liverpool, in the county of Lancaster, publican, but now of Fluchersbrook, in the county of Chester, railway guard. — Official assignee, Cazenove. — Sols. Sharpe & Co. Bedford-row, and Miller & Peel, Liverpool. Fiat, Oct. 9. Bankrupt's own petition.
- PRATT George, of Addison-road North, and Queen's-road, Notting Hill, in the county of Middlesex, builder, d. c. — Official assignee, Graham. — Sols. Richardson & Co. Golden-square. Fiat, Sept. 26. Pet. Cr. William Naylor Morrison, of Notting Hill, brick-maker.
- PYKE Maurice John, of No. 40, Old Steyne, Brighton, in the county of Sussex, jeweller, d. c. — Official assignee, Bell. — Sol. Galsworthy & Co. Cook's-court, Carey-street. Fiat, Oct. 16. Bankrupt's own petition.

## CERTIFICATES to be allowed November 7.

Batchelor John, of Bath, butcher.

Bryan James, of Bristol, chemist.

Lane John, of Bristol, victualler.

Walker Peter, of Quickest-row, New-road, builder.

Young James, of Bury St. Edmunds, tobaccoist and tea-dealer.

## DIVIDENDS.

## Date of Fiat.

- 1845, BRADLY John Penn, and George James Bradly, of Great St. Helen's, London, wine-merchants; joint div. and sep. div. of J. P. Bradly.
- 1845, COLLYER James Wenden, of the Rainbow, Newgate-street, London, victualler and salesman; div.
- 1845, ESTALL George, of Holywell-street, Westminster, plasterer; div.
- 1845, GENT Charles, and George Millar, of Bread-street, London, commission merchants; joint div.
- 1844, KITCHEN John, of Stockport, Cheshire, corn and flour dealer; first div.
- 1845, LIVINGSTON James, and Thomas Brittain, of Manchester, Lancashire, plumbers, glaziers and brass-founders; joint div.
- 1845, RAWE William Hayward, of North-street, Portsea, Hants, leather-seller; div.

## Date of Fiat.

- 1845, ROBSON William, of High-street, Chipping Barnet, Herts, grocer, tea-dealer and cheesemonger; div.
- 1845, SMITH Thomas Clerc, and Richard Hayes, both of No. 18, Henrietta-street, Covent-garden, Middlesex, hotel-keeper, joint div., and sep. div. of T. C. Smith.
- 1845, SMITH John, of No. 59, London-street, Reading, Berkshire, grocer; div.

## Gazette, Tuesday, October 21.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

- BLUNT Henry, of Woolton, in the county of Leicester, licensed victualler. — Official assignee, Cazenove. — Sols. Vincent & Sherwood, Temple, and Jones, Liverpool. Fiat, Oct. 16. Bankrupt's own petition.
- BOUCHER William Guy, late of Sydney, New South Wales, but now of No. 18, Steppney-green, in the county of Middlesex, merchant. — Official assignee, Turquand. — Sol. Ashley, Shoreditch. Fiat, Oct. 16. Bankrupt's own petition.
- BREKENRIDGE John, of Liverpool, in the county of Lancaster, tailor and draper. — Official assignee, Morgan. — Sols. Sharpe & Co. Bedford-row, and Lowndes & Co. Liverpool. Fiat, Oct. 16. Bankrupt's own petition.
- HAWKINS Charles, of Brick-lane, Spitalfields, in the county of Middlesex, carrying on business as a grocer and tea-dealer. — Official assignee, Johnson. — Sols. Tucker & Co. Threadneedle-street. Fiat, Oct. 17. Pet. Cr. William Sewell Shuttleworth, of Fenchurch-street, tea-dealer.
- PARFITT William, of the city of Bristol, engineer and beer-house keeper. — Official assignee, Kynaston. — Sol. Church, Essex-street, Strand, and Crathwell, Bath. Fiat, Oct. 15. Pet. Crs. Robert Pitt, Henry Stothett, and George Rayno, of Bath, iron-founders.
- RAWSTHORNE John, of Manchester, in the county of Lancaster, general agent, drysalter, and manufacturer of British gums, d. c. — Official assignee, Pott. — Sols. Lever, King's-road, Bedford-row, and Ackers, Manchester. Fiat, Oct. 15. Pet. Crs. John Henry Coward, Henry Cancellor, and Thomas Bailey Illidge, of Princess-street, Lambeth, starch-manufacturer.
- SMITH David, late of the Venallt Iron and Coal Works, in the parish of Lantwit juxta Neath, in the county of Glamorgan, iron-master, but now residing in the parish of King's Swinford, in the county of Stafford. — Official assignee, Acraman. — Sol. Davis, Merthyr Tydvil. Fiat, Oct. 10. Pet. Cr. Philip Dunn, of Carmarthen, tin-plate worker.
- SENIOR William, of Sheffield, in the county of York, baker. — Official assignee, Hope. — Sols. Atkinson & Pilgrim, Church-street, Lothbury, Watson, Sheffield, and Cronhelm, Leeds. Fiat, Oct. 16. Pet. Cr. William Harrison Carver, of Sheffield, gent.
- TAYLOR William Hannis, formerly of the Square Shot Tower, Commercial-road, Lambeth, in the county of Surrey, but now of No. 186, Piccadilly, in the county of Middlesex, stove-manufacturer and dealer in timber. — Official assignee, Graham. — Sol. Foster, Jermyn-street. Fiat, Oct. 16. Bankrupt's own petition.
- TRIGWELL John Joseph, of the Harrow-road, in the county of Middlesex, beer-shop keeper, builder, d. c. — Official assignee, Green. — Sol. Cross, Surrey-street. Fiat, Oct. 15. Pet. Cr. George White, 205, Regent-street, tailor and draper.
- WYON Edward William, of No. 48, Gower-street, Bedford-square, in the county of Middlesex, bronze and ormolu manufacturer, d. c. — Official assignee, Graham. — Sol. Shirreff, Lincoln's Inn-fields. Fiat, Oct. 16. Bankrupt's own petition.

## CERTIFICATES to be allowed November 11.

Cann John, of Woolwich, bricklayer.

Haycock Joseph, jun. of Wells, corn-factor.

Perkins William, of Portsea, upholsterer.

Prior Henry, of Sise-lane, stationer.

South Simon, of Grantham, coal-dealer.

Warren James, of Bristol, merchant.

Woollams John, of Charles-street, Manchester-square, builder.

## DIVIDENDS.

## Date of Fiat.

- 1843, **BARKER** Henry Hugh, and James Bean, of No. 5, Argyll-street, Oxford-street, Middlesex, tailors, trading under the firm of H. H. Barker & Co.; sep. div. of Bean.
- 1845, **BRAITHWAITE** John, of Morpeth, Northumberland, innkeeper; first and final div.
- 1844, **CARTER** James Watson, of No. 120, Long-acre, Middlesex, coach-plater and ironmonger; div.
- 1845, **CLARKSON** Thomas, the younger, of No. 10a, Charles-street, Middlesex Hospital, Middlesex, upholsterers' warehouseman; div.
- 1845, **COGGAN** Hezekiah Denby, of No. 39, Friday-street, London, warehouseman; div.
- 1841, **COLLS** Charles, Charles Thompson, and Richard Peckover Harris, jun. of No. 72, Lombard-street, London, bill-brokers; joint div.
- 1845, **DEES** William, James Dees, and James Hogg, of Newcastle-upon-Tyne, and of Darlington, Durham, builders; joint div. of William and James Dees, and sep. div. of James Dees.
- 1842, **EVANS** Rowland, John Foster, Skinner Zachary Langton, and Thomas Foster, of Barge-yard, Bucklersbury, London, East India merchants, trading under the firm of Evans, Foster and Langton; final sep. div. of Evans.
- 1842, **GREENWELL** George, John Benjamin, David Dearburg, and William Whitehall, of Fore-street, London, and of Coventry, silk-manufacturers and warehousemen; joint div.
- 1842, **HERRING** John, and William Herring, of Newcastle-upon-Tyne, merchants; final joint div.
- 1842, **HODSON** James, of Reading, Berkshire, druggist; div.
- 1831, **JACKSON** George Elwell, of Birmingham, Warwickshire, dealer in iron; final div.
- 1844, **KEMPSTER** Thomas, of Blackman-street, Southwark, Surrey, and also late of Fenchurch-buildings, London, builder; div.
- 1845, **KESSELMEYER** Charles William, of Manchester, Lancashire, merchant; first div.
- 1845, **LAWTON** Edward, and Thomas Kay, of Rochdale, Lancashire, iron-founders; first div.
- 1839, **MAINWARING** Henry, of Manchester, Lancashire, draper; div.
- 1845, **MARTYN** Charles, of Durham, linen-draper; final div.
- 1845, **MOHON** John, and Richard Simons, of No. 27, Mincing-lane, London, wine and spirit merchants; sep. divs.
- 1845, **REECE** James, of Axminster, Devonshire, ironmonger; div.
- 1845, **ROBINSON** Ling, of Ballingdon, Essex, millwright; div.
- 1843, **SANDERS** Thomas, of Ramsgate, Kent, shoe-maker; div.
- 1843, **SHAW** William, of Stafford, saddler; final div.
- 1829, **TAPP** James, and Charles Tapp, of Wigmore-street, Cavendish-square, coach-makers; sep. div. of C. Tapp.
- 1842, **WRIGLEY** Ben, of Horest, in Saddleworth, Yorkshire, woollen-cloth manufacturer; first div.

Gazette, Friday, October 24.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

- CASTLE** Richard, of Twynning, in the county of Gloucester, grocer, miller, &c.—Official assignee, Acraman.—Sols. Richards & Thomas, Tewkesbury, and Peters & Abbott, Bristol. Fiat, Oct. 17. Bankrupt's own petition.
- FARION** William, of No. 56, Farringdon-street, in the city of London, licensed victualler, &c.—Official assignee, Follett.—Sols. Laurance & Plews, Bucklersbury. Fiat, Oct. 16. Bankrupt's own petition.
- FEATHERSTONHAULGH** Albany, of Great Bolton, in the county of Lancaster, butcher, farmer, &c.—Official assignee, Fraser.—Sols. Gregory & Co. Bedford-row, and Rushton & Armistead, Bolton-le-Moora. Fiat, Oct. 13. Pet. Cr. Johnson Lomax, of Great Bolton, gent.

11. BANKR.—1845.

**GILL** Francis, of Manchester, in the county palatine of Lancaster, dealer in hardware, &c.—Official assignee, Hobson.—Sols. Parkes & Co. Bedford-row, Mottram & Knowles, Birmingham, and Sale & Co. Manchester. Fiat, Oct. 15. Pet. Cr. John Poncia, of Birmingham, general merchant.

**GURNEY** John, of the Union Brewery, Lambeth-walk, in the county of Surrey, brewer, lately carrying on trade in copartnership with Samuel Chapman, of the same place, brewer, as a trader indebted jointly and together with the said Samuel Chapman.—Official assignee, Bell.—Sols. Laurance & Plews, Bucklersbury. Fiat, Oct. 13. Pet. Cr. Edward Chuck, of Ware, maltster.

**HARDY** George, of St. Ives, in the county of Huntingdon, innkeeper, &c.—Official assignee, Johnson.—Sol. Brisley, Pancras-lane. Fiat, Oct. 20. Pet. Crs. Joseph Boord and Edward Rose Swain, of Bartholomew-close, distillers.

**JONES** Amos, of the Bourne, in the parish of Stroud, in the county of Gloucester, innkeeper and baker, &c.—Official assignee, Hutton.—Sols. Blower & Co. Lincoln's Inn-fields, and Kearsey, Stroud. Fiat, Oct. 16. Bankrupt's own petition.

**SYKES** James, of Doncaster, in the county of York, hosier, milliner and laceman.—Official assignee, Freeman.—Sols. Messrs. Rushworth, Staple Inn, and Sanderson, Leeds. Fiat, Oct. 16. Bankrupt's own petition.

*Erratum.*—In the fiat to Brooks and Brooks, Gazette, Oct. 17, page 52, for James Jacobs, "currier and woollen-draper," read "tanner."

## CERTIFICATES to be allowed November 14.

- Acton John, of Lichfield, farmer.  
Aldcroft John, of Manchester, victualler.  
Fulljames Alfred Vincent, of Bath, auctioneer.  
Martin Josiah, of High-street, Shoreditch, tallow-chandler.  
Martyn Charles, of Durham, linen-draper.  
Pitt John, of Plymouth, grocer.  
Sims Thomas, of Whitechapel-road, victualler.

## DIVIDENDS.

## Date of Fiat.

- 1844, **AYLING** James, of Commercial-street, Leeds, Yorkshire, cabinet-maker and upholsterer, (carrying on business and trading under the name or style of James Ayling & Co.); div.
- 1845, **CLARKSON** William, of Redcross-street, London, boot and shoe manufacturer; div.
- 1845, **FARROW** John, of Stanton, near Bury St. Edmunds, Suffolk, draper and grocer; div.
- 1843, **FREARSON** William Hollis, of No. 106, Wood-street, Cheap-side, London, and of West Ham, Essex, sewing cotton manufacturer and trader; div.
- 1845, **MENZIES** William, of Gloucester, draper, mercer, grocer and tea-dealer; div.
- 1843, **PARSLOW** Charles, of No. 46, Blackman-street, Southwark, Surrey, tailor; div.
- 1845, **PEAKE** James, of Tolleshunt Knights, Essex, miller; div.
- 1844, **ROBSON** John Wordsworth, and John Barrow, of St. Ann's-place, Limehouse, Middlesex, patent pump and water-closet manufacturers; div.
- 1844, **VARDY** John Eyre, of No. 108, High-street, Portsmouth, Hants, draper; div.

Gazette, Tuesday, October 28.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

- BELLAMY** William, of No. 4, Clarence-place, Middleton-road, Kingsland-road, in the county of Middlesex, builder.—Official assignee, Graham.—Sol. Kearns, Red Lion-square. Fiat, Oct. 23. Pet. Cr. Isaac Parlour, of Canal-road, Kingsland, stone-mason.
- BLACKBURN** Isaac, of No. 128, Minories, and Northumberland-alley, Fenchurch-street, both in the city of London, engineer and scale-maker.—Official assignee, Turquand.—Sol. Barber, Furnival's Inn. Fiat, Oct. 22. Pet. Cr. Samuel Ridley, of Newgate-street, upholsterers' warehouseman.

BURNS William, of Rhyll, in the county of Flint, draper, grocer, wine, spirit and beer retailer, *d. c.*—Official assignee, Cazenove.—Sol. Reed, Friday-street, and Sale & Co. Manchester. Fiat, Oct. 22. Pet. Crs. Thomas Fildes Johnson and Joshua Crowther, of Manchester, warehousemen.

DADELSZEN George Michael Von, of No. 23, Mincing-lane, in the city of London, merchant, trading under the firm of George Michael Von Dadelzen & Company.—Official assignee, Green.—Sols. Lawrance & Plews, Bucklersbury. Fiat, Oct. 9. Bankrupt's own petition.

DOCKER James, of Birkenhead, in the county of Chester, joiner and builder.—Official assignee, Morgan.—Sols. Frampton, Gray's Inn, and Hilliar, Birkenhead. Fiat, Oct. 20. Pet. Cr. William Hinson, of Birkenhead, ironmonger.

HOSKINS George, late of Old Broad-street, in the city of London, but now of Peckham, in the county of Surrey, watch and chronometer maker.—Official assignee, Green.—Sol. Ashley, Shoreditch. Fiat, Oct. 24. Pet. Cr. Thomas Heath, of Hoxton, M.D.

HOWARTH Thomas, of Rochdale, in the county of Lancashire, woollen-manufacturer, *d. c.*—Official assignee, Hobson.—Sols. Clarke & Co. Lincoln's Inn-fields, and Whitehead, Rochdale. Fiat, Oct. 16. Bankrupt's own petition.

LEMAN Edward, of Church-row, Newington, in the county of Surrey, and Thomas Kinsman Bryan, of Old Swan Pier, Upper Thames-street, in the city of London, wharfingers, *d. c.*, carrying on business under the style or firm of Leman & Bryan, at the Old Swan Pier, Upper Thames-street, in the said city of London.—Official assignee, Graham.—Sols. Matthews, Arthur-street West, and Matthews & Hilder, Gravesend. Fiat, Oct. 21. Pet. Cr. Thomas Nettleingham, Jonathan Hills, Robert Coles Arnold, John Smith, and Benjamin Outrid, of Gravesend, coal-merchants.

SMITH Sophia, of Garboldisham, in the county of Norfolk, grocer and draper, *d. c.*—Official assignee, Bell.—Sol. Torkington, New Bridge-street, Blackfriars. Fiat, Oct. 16. Pet. Crs. Thomas Harmer and Francis Revett, of Norwich, haberdashers.

SUMMERS James, of the borough of Cambridge, in the county of Cambridge, cabinet-maker.—Official assignee, Follett.—Sols. Messrs. Baddeley, Leman-street, and King, Cambridge. Fiat, Oct. 27. Pet. Cr. John Smith, of Cambridge, publican.

TUNE Henry, of No. 102, Blackfriars-road, in the county of Surrey, boot and shoe manufacturer, *d. c.*—Official assignee, Bell.—Sol. Bickley, Barge-yard, Bucklersbury. Fiat, Oct. 24. Pet. Cr. John Ruby, of Upper Goldington-street, St. Pancras, leather-merchant.

WARR Richard, of Beaminster, in the county of Dorset, auctioneer, builder, cabinet-maker and upholsterer, *d. c.*—Official assignee, Hernaman.—Sols. Pearson, Essex-street, Strand, Cox, Beaminster, and Bishop & Pita, Exeter. Fiat, Oct. 21. Pet. Cr. David Lane, of Beaminster, timber-dealer.

#### CERTIFICATES to be allowed November 18.

Braithwaite John, of Morpeth, innkeeper.  
Riky John, of Liverpool, merchant.

#### DIVIDENDS.

Date of Fiat.

1843, CLARKE John, Richard Mitchell, Joseph Phillips, and Thomas Smith, all of Leicester, bankers, carrying on business at Leicester aforesaid, and at Lutterworth, Leicestershire, and at Melton Mowbray, same county, and at Uppingham and Oakham, Rutlandshire, under the name or style of Clarke, Mitchell, Phillips & Smith, the said Richard Mitchell carrying on, in his individual capacity, the business of a hosier at Leicester aforesaid; sep. divs. of Clarke, Phillips & Smith.

1844, COALL William John Jackman, of Queen-street, Exeter, grocer; fur. div.

1842, CRESPIN James Clarke, of No. 31, Eastcheap, London, shipping-agent and merchant; final div.

1845, GREEN George How, and George Courthope Green, of Barge-yard, Bucklersbury, London, wholesale stationers; joint div.

1843, HUGHES James, of Chelmsford, Essex, shoe-maker; div.

1845, HEATON James, of Ludlow, Salop, stationer; div.

1845, JONES Edward Thomas, and Henry Morritt Crookill, of Rochdale, Lancashire, booksellers, printers and stationers; first joint and sep. divs.

Date of Fiat.

1825, MORTON Archibald, Archibald Rodick, and Charles Morda, of Wellingborough, Northamptonshire, bankers; div.

1840, ONIONS William Michael, of West Bromwich, Staffordshire, iron-founder; final div.

1837, PALMER John, the elder, of Stapleford, Nottinghamshire, and Thomas Topley Barker, of Sandiacre, Derbyshire, oxa-doublers; sep. div. of Barker.

1842, REAY William, of Walker, Northumberland, ship-builder and block-manufacturer; div.

1841, SCHOFIELD Charles, of Kingston-upon-Thames, Surrey, timber and coal merchant; div.

1845, SCOTT William, of Manchester, Lancashire, grocer; div.

1838, SECCOMBE Gregory, and Samuel Seccombe, of Triviotock, Devonshire, and Bude, Cornwall, tailors, drapers and mercers; div.

1845, SUMMERS William, and Nicholas Rae, both of Strangways, in Manchester, Lancashire, rope-makers, carrying on business at Strangways, under the firm of Summers & Rae; first joint and sep. div.

1843, WALKER George, of Newcastle-upon-Tyne, ship and insurance broker and merchant; div.

1845, WELCH James, of the Coach and Horses, Ring-cross, Holloway, Middlesex, and of Chalgrave, Bedfordshire, victualler and cattle-dealer; fur. div.

Gazette, Friday, October 31.

#### BANKRUPTS.

##### TOWN AND COUNTRY FIATS.

COOPER William, of No. 50, Lower Shadwell, in the county of Middlesex, ale and porter brewer.—Official assignee, Alsager.—Sols. Laurance & Plews, Bucklersbury.—Fiat, Oct. 25. Bankrupt's own petition.

FITZGERALD Henry, of No. 18, Bond-street, Commercial-road, Lambeth, in the county of Surrey, coal-merchant, *d. c.*—Official assignee, Turquand.—Sol. Hindmarsh, Crescent, Jewin-street. Fiat, Oct. 27. Pet. Crs. John Inglis Jerdein and William Lee, of Upper Ground-street, coal-merchants.

LACK Alfred, of No. 12, Stockbridge-terrace, Pimlico, in the county of Middlesex, saddler, *d. c.*—Official assignee, Bell.—Sol. Robinson, Halfmoon-street, Piccadilly. Fiat, Oct. 27. Pet. Cr. James Child, of Gerrard-street, Soho, undertaker.

LIDDELL Thomas, of Boldon West Pastures, in the county of Durham, corn-factor, farmer and contractor.—Official assignee, Baker.—Sols. Harle, Newcastle, and Chisholme & Co. Lincoln's Inn-fields. Fiat, Oct. 29. Bankrupt's own petition.

OXTON Thomas, of Liverpool, in the county of Lancashire, cut-owner, *d. c.*—Official assignee, Morgan.—Sols. Johnson & Co Temple, and Grocott, Liverpool. Fiat, Oct. 24. Pet. Cr. William Callow, of Liverpool, saddler.

RAMSDEN James, and James Ramsden the younger, of Armsley, in the parish of Leeds, in the county of York, cloth-manufacturers and worsted-spinners, copartners, *d. c.*—Official assignee, Fearn.—Sols. Walker, Furnival's Inn, Barber, Brighouse, and Blackburn. Leeds. Fiat, Oct. 27. Pet. Crs. Benjamin, Thomas and Henry Berry, of Bowling, near Bradford, machine-makers.

SHELDRAKE William Henry, of Ipswich, in the county of Suffolk, boot and shoe maker.—Official assignee, Johnson.—Sols. Shurman & Evans, Gray's Inn. Fiat, Oct. 13. Pet. Cr. Walter Turner, sen. and jun., of Ipswich, leather-merchants.

SMITH John, of Brownlow-hill, Liverpool, in the county of Lancashire, licensed victualler, *d. c.*—Official assignee, Cazenove.—Sol. Netherole, New Inn, and Owen & Peach, Liverpool. Fiat, Oct. 24. Bankrupt's own petition.

THOMAS John, of Upper Maudlin-street, in the city of Bristol, marble-mason.—Official assignee, Miller.—Sols. Daniel & Barker, Bristol. Fiat, Oct. 25. Bankrupt's own petition.

WALKER William Josiah, late of No. 123, Whitechapel-road, in the county of Middlesex, but now of the Silver Boot, No. 304, Oxford-street, in the same county, boot and shoe maker.—Official assignee, Johnson.—Sol. Turner, Mount-street, Whitechapel-road. Fiat, Oct. 27. Bankrupt's own petition.

**CERTIFICATES to be allowed November 21.**

Barlow Thomas, of Sheffield, grocer.  
 Dempsey John Church, of Bristol, stationer.  
 Gibbs Joseph, of Ramsey, grocer and draper.  
 Green Albert, of Brighton, apothecary.  
 Henderson William, of Sunderland, mercer.  
 Mitchell James, of Montagu-street, livery-stable keeper.  
 Samuel Henry, of Leadenhall-street, segar-manufacturer.  
 Stonehouse John, of Scarborough, draper.  
 Taylor John Temple, and Thomas Pantry Watkinson, of York-terrace, Regent's-park, and Watling-street, plumbers.  
 Watts William Reed, of Bath, chemist.  
 Wrake Michael, jun., of Canterbury, bricklayer.

**DIVIDENDS.****Date of Fiat.**

1843, **BOURNE** James, of Bemmersley, in Norton in the Moors, Staffordshire, printer; div.  
 1843, **CLARKE** John, Richard Mitchell, Joseph Philips, and Thomas Smith, all of Leicester, bankers, carrying on business at Leicester aforesaid, and also at Lutterworth, Leicestershire, and at Melton Mowbray, same county, and at Uppingham and Oakham, Rutlandshire, under the name or style of Clarke, Mitchell, Philips & Smith, the said Richard Mitchell carrying on, in his individual capacity, the business of a hosier at Leicester; joint div.  
 1845, **COTTERELL** James Knight, of Glastonbury, Somersetshire, grocer; div.  
 1845, **HUTCHINGS** John, of Bath, Somersetshire, and also late of Regent-street, Middlesex, boot and shoe maker; div.  
 1844, **JOHNSON** Thomas the elder, William Johnson, and Charles Mann, of Romford, Essex, bankers; fur. joint div. and sep. div. of Charles Mann.  
 1839, **MARSHALL** Joseph, and Thomas Collier, both of Manchester, Lancashire, merchants; fur. and final div.  
 1844, **OSBORNE** Henry Roberts, of Truro, Cornwall, grocer; fur. div.  
 1845, **RIDD** Francis, formerly of Barnstaple, Devonshire, then of Bridgewater, Somersetshire, and now of Nether Stowey, near Bridgewater, said county, surgeon and apothecary; div.  
 1845, **WARR** Harry, of Bridport, Dorsetshire, currier; div.

**Gazette, Tuesday, November 4.****BANKRUPTS.****BANKRUPTCIES SUPERSEDED.**

**BROOK** George, of Huddersfield, dyer.  
**IBBOTSON** Matthew, and John Ibbotson, of Ecclesfield, paper-manufacturers.

**TOWN AND COUNTRY FIATS.**

**ASHCROFT** William, the elder, of Bere-street, Butcher-row, Ratcliffe, in the county of Middlesex, cooper, *d. c.*—Official assignee, Graham.—Sol. Hartley, New Bridge-street, Blackfriars. Fiat, Oct. 30. Pet. Cr. Thomas King Bedding, of No. 5, George-street, Commercial-road, cooper.  
**GADD** John, of No. 79, High-street, Camden-town, in the county of Middlesex, baker, *d. c.*—Official assignee, Green.—Sol. Hare, Coleman-street. Fiat, Oct. 31. Bankrupt's own petition.  
**GREENSTOCK** George, of Weston-super-Mare, in the county of Somerset, ironmonger.—Official assignee, Kynaston.—Sols. Jones & Co. Crosby-square. and Peters & Abbot, Bristol. Fiat, Oct. 23. Pet. Crs. William and Joseph Peters, of Bristol, tin-plate and zinc worker.  
**LITTLEWOOD** John, of No. 23, New Bond-street, in the parish of St. George, Hanover-square, in the county of Middlesex, hosier and glover, *d. c.*—Official assignee, Follett.—Sols. Goddard & Eyre, Wood-street, Cheapside. Fiat, Nov. 3. Bankrupt's own petition.  
**REDING** James, and William Nicol Judd, of Horsehoe-court, Ludgate-hill, in the city of London, printers, *d. c.* and copartners.

—Official assignee, Whitmore.—Sols. Messrs. Goddard & Eyre, Wood-street, Cheapside. Fiat, Oct. 31. Bankrupt's own petition.

**SPELLER** Edward, of No. 36, Berners-street, Oxford-street, in the county of Middlesex, tea-dealer and grocer.—Official assignee, Turquand.—Sols. Wire & Childs, St. Swithin's-lane. Fiat, Nov. 3. Bankrupt's own petition.

**SPOFFORD** John, of High-street, Chatham, in the county of Kent, linen-draper, silk-mercier, *d. c.*—Official assignee, Edwards.—Sol. Sharp, Devonshire-terrace, High-street, Marylebone. Fiat, Oct. 30. Pet. Cr. Hannah Maudslay, of No. 4, Hamilton-place, Brixton, widow.

**STRAIGHT** George, of No. 9, Skinner-street, Snow-hill, in the city of London, dealer, cutter and worker in ivory.—Official assignee, Green.—Sol. Barber, Fournival's Inn. Fiat, Oct. 28. Pet. Crs. Godfrey Saunders, Thomas Fauntleroy, and Charles Fauntleroy, of Potter's-fields, ivory and hardwood merchants.

**TURNER** Edward, of No. 48, Princes-street, Soho, in the county of Middlesex, chemist and druggist.—Official assignee, Bell.—Sol. Buchanan, Basinghall-street. Fiat, Nov. 1. Bankrupt's own petition.

**VAUGHAN** Thomas Barnes, formerly of Liverpool, in the county of Lancaster, linen-draper, but now of Poulton-cum-Spittal, in the county of Chester, farmer, *d. c.*—Official assignee, Cazenove.—Sols. Norris & Co. Bartlett's-buildings, and Norris, Liverpool. Fiat, Oct. 31. Pet. Cr. William Vaughan, of Woodchurch, Cheshire, gent.

**WHITEWAY** John, of Chudleigh, in the county of Devon, miller.—Official assignee, Hirtzell.—Sols. Stogdon, Exeter, and Keddell & Co. Lime-street. Fiat, Oct. 31. Bankrupt's own petition.

**CERTIFICATES to be allowed November 25.**

Cooke Henry, of Liverpool, painter.  
 Driver James, of Slawston, victualler.  
 Glass Joseph, of White Hart-street, Drury-lane, victualler.  
 Jones Thomas, and John Jones, of Liverpool, tallow-chandlers.  
 Kirk Wheatley, of Leeds, pianoforte manufacturer and innkeeper.  
 Lazarus Joseph, of Marylebone-lane and Wigmore-street, dealer in clothes.  
 Ling Benjamin, of Fore-street, Limehouse, timber-dealer.

**DIVIDENDS.****Date of Fiat.**

1845, **CROFTS** George Charles, of Liverpool, Lancashire, corn-merchant; div.  
 1809, **DANSON** Thomas, of Liverpool, Lancashire, merchant; div.  
 1845, **FAWCETT** Stephen, of No. 68, Chiswell-street, Middlesex, linen-draper; div.  
 1819, **GILCHRIST** George, and John Macquay Gilchrist, of Liverpool, Lancashire, merchants; div.  
 1845, **HODGSON** John, of Liverpool, Lancashire, scrivener; div.  
 1844, **JEVONS** Sarah, of Lincoln, shoe-maker; div.  
 1845, **LAWRIE** George, of Fleetwood-upon-Wyre, Lancashire, chemist and druggist; div.  
 1839, **LITHERLAND** Nathan, of Liverpool, Lancashire, merchant, (surviving partner of John Heyes, late of Bridgetown, Barbadoes, West Indies, merchant, deceased), carrying on business at Liverpool, under the firm of Heyes, Litherland & Co. and at Bridgetown, Barbadoes, under the firm of John Heyes & Co.; sep. div. of Litherland, and div.  
 1811, **PALMER** Thomas, of the New-road, Whitechapel, Middlesex, soap-maker; final div.  
 1824, **RICHARDSON** John, and James Griston, of Norwich, bricklayers; div.  
 1841, **ROBSON** Thomas, of Liverpool, Lancashire, soap-manufacturer; div.  
 1845, **SMIRK** James Edward, of the Wrekin Tavern, Broad-court, Bow-street, Covent-garden, Middlesex, licensed victualler; div.  
 1844, **VAUGHAN** Griffith, of Llanedy, Carmarthenshire, innkeeper; div.  
 1845, **WOOD** Wilson, and John Holmes, of Maidstone, Kent, tea-dealers; div.

**Gazette, Friday, November 7.****BANKRUPTS.****TOWN AND COUNTRY FIATS.**

**CUNNINGHAM** Hugh, of No. 193, Strand, in the county of Middlesex, bookseller, publisher and stationer, *d. c.*—Official assignee, Johnson.—Sols. Laurance & Plews, Bucklersbury. Fiat, Nov. 6. Bankrupt's own petition.

**DAVIDS** Moss, of Paternoster-row, in the city of London, fishmonger and poulterer.—Official assignee, Groom.—Sol. Brisley, Pancras-lane. Fiat, Nov. 4. Bankrupt's own petition.

**DRAPER** Charles, of the Sun public-house, No. 140, Bishopsgate-street Without, in the city of London, licensed victualler.—Official assignee, Alsager.—Sol. Smith, Wilmington-square. Fiat, Oct. 31. Bankrupt's own petition.

**ELLIOTT** John, of the Pavement, Finsbury, in the city of London, surgeon and apothecary, trader, *d. c.*—Official assignee, Green.—Sol. Taylor, North-buildings, Finsbury-circus. Fiat, Nov. 4. Bankrupt's own petition.

**GAINER** Joseph, of Bridgend, in the parish of Stonehouse, in the county of Gloucester, dyer.—Official assignee, Hulton.—Sols. Brisley, Pancras-lane, and Paris, Stroud. Fiat, Oct. 31. Bankrupt's own petition.

**HARDING** William, the elder, of No. 5, Johnson-street, Westminster, in the county of Middlesex, and of No. 23, Vincent-square, Westminster aforesaid, and also of West Wharf, Millbank, in the said county of Middlesex, mason and paviour, *d. c.*—Official assignee, Follett.—Sol. Deprez, Laurence-lane. Fiat, Nov. 5. Pet. Cr. Mary M'Leod Mannelle, of No. 16, Paradise-row, Rotherhithe, widow, stone-merchant.

**HAY** William, and John Alfred Titterton, of No. 103, London-road, in the county of Surrey, oil and colourmen.—Official assignee, Follett.—Sol. Loughborough, Austin-friars. Fiat, Oct. 27. Pet. Cr. William Dawson, of Leith, Scotland, colour-manufacturer.

**LEVI** Samuel Mordecai, of No. 149, Leadenhall-street, in the city of London, navy-agent and commission-merchant, *d. c.*—Official assignee, Graham.—Sol. King, St. Mary Axe. Fiat, Nov. 4. Bankrupt's own petition.

**LIPTROT** Henry, of the Town Hill, Wrexham, in the county of Denbigh, boot and shoe maker, clogger, *d. c.*, at the same time residing in Church-street, Wrexham aforesaid.—Official assignee, Morgan.—Sols. Nicholls & Doyle, Bedford-row, and Cunnah, Chester. Fiat, Nov. 3. Bankrupt's own petition.

**LYON** William Hope, of Liverpool, in the county of Lancaster, cotton-broker and merchant, *d. c.*—Official assignee, Morgan.—Sols. Cotterill, Throgmorton-street, and Fletcher & Hull, Liverpool. Fiat, Oct. 29. Pet. Cr. Edward Durrant, of Liverpool, merchant.

**MEREDITH** Evan, of Liverpool, in the county of Lancaster, linen-draper, *d. c.*—Official assignee, Morgan.—Sols. Vincent & Co. Temple, and Bardswell & Co. Liverpool. Fiat, Nov. 1. Bankrupt's own petition.

**NORMAN** Charles, of No. 3, Cumberland-mews, Edgeware-road, in the county of Middlesex, coach-builder, *d. c.*—Official assignee, Johnson.—Sols. Mardon & Pritchard, Christchurch-buildings, Newgate-street. Fiat, Oct. 30. Pet. Cr. John Collins, of Middle-yard, Great Queen-street, wheelwright.

**PEARSON** Ralph, of Chorley, in the county of Lancaster, grocer.—Official assignee, Hobson.—Sols. Sutton, Manchester, and Hulton, Bolton-le-Moors. Fiat, Oct. 31. Bankrupt's own petition.

**RHODES** Samuel, of Bradford, in the county of York, worsted-spinner and stuff-manufacturer, *d. c.*—Official assignee, Young.—Sols. Wiglesworth & Co. Gray's Inn, and Smith, Leeds. Fiat, Oct. 30. Pet. Cr. John Rothery Hubbard, of Leeds, woollapler.

**WRIGHT** John, of Brinscall Hall, within Wheelton, in the county of Lancaster, calico-printer and bleacher, *d. c.*—Official assignee, Fraser.—Sols. Milne & Co. Temple, and Goulden, Manchester. Fiat, Nov. 3. Pet. Cr. Thomas Coupe, of Brindley, Lancashire, mordant manufacturer.

**CERTIFICATES to be allowed November 28.**

Ball John, and William Ball, of Sutton, silk-manufacturers.  
Bennett James, of Little Birch, cattle-dealer.  
Green Robert, of Bristol, watch-maker.  
Hindes Abraham, and John Thompson, of Leeds, stock-brokers.

Lampray John, of Warwick, money-scrivener.  
Owen Jacob Richard, of Manchester, stock-broker.  
Parsley William, of Woolwich, hat-maker.  
Pocklington Joseph Pain, of Newgate-street, salesman, (partner with George Bowles).  
Verey William, of Kingsland, victualler.  
West Frederick, of Southampton, boot-maker.  
White John, of Westminster, currier.  
Wotton James Cousens, of Halsted, ironmonger.

**DIVIDENDS.****Date of Fiat.**

1839, **BINNEY** John, and Thomas Binney, of Sheffield, Yorkshire, merchants and factors; final div.  
1824, **LEWIS** John, of Bristol, grocer and tea-dealer; div.  
1845, **NICHOLSON** Richard, of Stockton, Durham, bookseller; div.  
1844, **OLDHAM** James, of Wood-street, London, silk-warehouseman; fur. div.  
1844, **PETRIE** John Carr, of Bedlington, Durham, miller and grocer; fur. div.

**Gazette, Tuesday, November 11.****BANKRUPTS.****TOWN AND COUNTRY FIATS.**

**ABRAHAM** Godfrey, of No. 51, Great Prescott-street, Goodman's-fields, in the county of Middlesex, watch and clock manufacturer, *d. c.*—Official assignee, Bell.—Sols. Laurance & Plews, Bucklersbury. Fiat, Nov. 8. Bankrupt's own petition.

**CHALLEN** James, of Oldham, in the county of Southampton, brewer and maltster, *d. c.*—Official assignee, Edwards.—Sols. Lindsay & Mason, Gresham-street, City. Fiat, Nov. 10. Bankrupt's own petition.

**KIRBY** John, of Shop-lane, in Kirkbeaton, in the county of York, fancy manufacturer, dyer, *d. c.*—Official assignee, Freeman.—Sols. Sudlow & Co. Chancery-lane, Leadbeater, Huddersfield, and Carriss, Leeds. Fiat, Nov. 3. Pet. Cr. James Shaw, of Huddersfield, joiner.

**MILLER** Thomas, of Mansell-street, Goodman's-fields, in the county of Middlesex, oil and colourman.—Official assignee, Green.—Sol. Henderson, Mansell-street. Fiat, Nov. 7. Bankrupt's own petition.

**PARSONS** William Richard, of No. 7, Limehouse-cumsey, in the parish of St. Anne, Limehouse, in the county of Middlesex, baker, grocer and cheesemonger.—Official assignee, Johnson.—Sol. Spiller, Camomile-street. Fiat, Nov. 8. Bankrupt's own petition.

**STOCKER** Samuel, the elder, formerly of No. 121, St. John-street, Clerkenwell, in the county of Middlesex, afterwards of No. 13 Canonbury-terrace, Islington, in the said county of Middlesex, and also of the Thirteen Cantons, King-street, Soho, in the county of Middlesex, and of the Sun, Gray's Inn-lane, in the county of Middlesex, but now of No. 9, Sekford-street, Clerkenwell, aforesaid, hydraulic engineer, licensed victualler, *d. c.*—Official assignee, Turquand.—Sol. Robinson, Ironmonger-lane. Fiat, Nov. 6. Bankrupt's own petition.

**WARD** William, of Belton, in the county of Rutland, farmer and grazier, *d. c.*—Official assignee, Groom.—Sols. Messrs. Clark & Co. Lincoln's Inn-fields. Bankrupt's own petition.

**WATTON** George Hastings, of New Bond-street, in the county of Middlesex, tobacconist.—Official assignee, Bell.—Sol. Blake Black-friars-road. Fiat, Nov. 3. Pet. Cr. James Cooper, of No. 24, New-road, gent.

**WHITE** Charles Henry, of Gravesend, in the county of Kent, iron draper, *d. c.*—Official assignee, Edwards.—Sols. Brisley, Pancras-lane, and Soles & Turner, Aldermanbury. Fiat, Nov. 1. Pet. Cr. Frederick Gay Shute, of No. 64, Friday-street, lace warehouseman.

**CERTIFICATES to be allowed December 2.**

Banning Jesse, of Liverpool, stationer.  
Collyer James Wenden, of Newgate-street, victualler.  
Loraine Fenwick, of Newcastle, bookseller.  
Redden John, of Cambridge, coach-builder.  
Smith Thomas Clerc, of Henrietta-street, hotel-keeper, (partner with Richard Hayes).  
Taylor Thomas, of Bromley, maltster.  
Williams Henry, of Farringdon, grocer.

## DIVIDENDS.

## Date of Fiat.

- 1845, **BALDWIN** Edmund, and Richard Garrett, of Henfield, Sussex, linen-draper, grocers and tea-dealers; diva.
- 1843, **BOURNE** James, of Bemmersley, in Norton in the Moors, Staffordshire, printer; final div.
- 1845, **BROWN** Richard, of Kingston-upon-Hull, joiner and builder; first div.
- 1845, **COX** George, of Frankford-street, Plymouth, Devonshire, victualler; div.
- 1845, **CURTIS** Joseph, of Liskeard, Cornwall, linen and woollen draper and hatter; div.
- 1845, **KIMBLE** Robert, of No. 27, Great Marylebone-street, St. Marylebone, Middlesex, boot and shoe maker; div.
- 1845, **PITT** John, of Drake-street, Plymouth, Devonshire, grocer and tea-dealer; div.
- 1840, **PRAT** Richard Periam, and Samuel Prat, of Glastonbury, Somersetshire, and of Wells, said county, scriveners; div.
- 1843, **ROWE** James, of No. 7, Blandford-street, St. Marylebone, Middlesex, ironmonger; div.
- 1845, **SPENCE** William Whitaker, of Newcastle-upon-Tyne, woollen-draper, carrying on business with Mary Spence, of the same place, under the name, style and firm of Mary Spence & Son, as a trader indebted jointly and together with the said Mary Spence; div.
- 1845, **STOCKS** George William, of Norwich, linen-draper; div.
- 1845, **TAYLOR** William James, (carrying on business under the name of William Taylor), of No. 82, High-street, Camden-town, Middlesex, grocer and oilman; div.
- 1844, **WETMORE** Thomas Hewett, of Broad-street, Worcester, grocer and tea-dealer; final div.

Gazette, Friday, November 14.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

- BENTLEY** Richard, of Liverpool, in the county of Lancaster, hosier and smallware dealer.—Official assignee, Morgan.—Sols. Cornthwaite & Co. Old Jewry, and Pemberton, Liverpool. Fiat, Nov. 10. Bankrupt's own petition.
- BOND** William Henry, of Bow-lane, Chapsaide, in the city of London, ale and beer merchant, d. c.—Official assignee, Turquand.—Sols. Malby & Co. Old Broad-street-buildings. Fiat, Nov. 10. Bankrupt's own petition.
- BOORMAN** John Luke, of No. 13, New-road, Gravesend, in the county of Kent, silversmith, jeweller and watch-maker, d. c.—Official assignee, Follett.—Sol. Matthews, Arthur-street West, London-bridge. Fiat, Nov. 7. Pet. Cr. John Elliott, of Milton next Gravesend, farmer.
- LAYTON** George, of No. 1 A, Queen's-place, Queen's-road, Hornsey-road, Holloway, in the county of Middlesex, builder.—Official assignee, Follett.—Sol. Wilson, Gray's Inn. Fiat, Nov. 11. Bankrupt's own petition.
- AVIS** George, of No. 100, Borough High-street, Southwark, in the county of Surrey, saddler and harness maker, d. c.—Official assignee, Bell.—Sol. Buchanan, Basinghall-street. Fiat, Nov. 11. Bankrupt's own petition.
- MMINS** James, of No. 3, Princes-road, Notting-hill, in the parish of St. Mary Abbott, Kensington, in the county of Middlesex, builder and bricklayer.—Official assignee, Turquand.—Sols. Rhodes & Lane, Chancery-lane. Fiat, Nov. 11. Pet. Cr. Thomas Holmes, of Belgrave-street, builder.
- ROESCHLEN** David, and Simon Price, of No. 19, Dover-street, Piccadilly, in the county of Middlesex, tailors, d. c.—Official assignee, Graham.—Sol. Pike, Old Burlington-street. Fiat, Nov. 7. Bankrupt's own petition (opened on the application of Thomas Forster and John Henry Brown Forster, of Vigo-street, woollen warehousemen).
- ANG** Lucy, of No. 33, Charter-house-square, and of No. 11, Charter-house-street, in the county of Middlesex, private boarding house and lodging-house keeper.—Sols. Deane & Co. St. Swithin's-lane. Fiat, Nov. 10. Pet. Cr. William Hocker, of Euston-square, esq.

12. BANKR.—1845.

**LEWIS** Henry, of Birkenhead, in the county of Chester, joiner and builder.—Official assignee, Morgan.—Sols. Vincent & Co. Temple, and Cross, Liverpool. Fiat, Nov. 3. Bankrupt's own petition.

**NEWBURN** John, of Oxtou, in the parish of Woodchurch, in the county of Chester, joiner and builder, d. c.—Official assignee, Cazenove.—Sol. Wilkin, Furnival's Inn. Fiat, Nov. 8. Pet. Cr. Richard Aspinall, of Birkenhead, timber-merchant.

**SMITH** John, of No. 3, Crescent, Jewin-street, Cripplegate, in the city of London, wholesale hardwareman and agent.—Official assignee, Green.—Sol. Smith, Wilmington-square. Fiat, Nov. 11. Bankrupt's own petition.

**STANDEN** Thomas, of Pudding-lane, Maidstone, in the county of Kent, brewer, beer-seller, d. c.—Official assignee, Follett.—Sols. Bower & Son, Chancery-lane, and Hart, Maidstone. Fiat, Nov. 8. Pet. Cr. William Cobb, of Maidstone, Kent, maltster.

## CERTIFICATES to be allowed December 5.

- Hayes Richard, of Henrietta-street, hotel-keeper, (partner with Thomas Clerc Smith).
- Jones Charles, of Adstock, pig-dealer.
- Keselmeyer Charles William, of Manchester, merchant.
- Law John, of Ramsden Wood, cotton-spinner, (partner with Eli Hudson).
- Lewis Richard, of Ashford, carman.
- Markland John, jun., of Todmorden, roller-maker.
- Maton William, of Fore-street, leather-seller, (partner with James Hudson).
- Reeve Thomas, of Hackney-road, and Castle-street, Long-acre, victualler.
- Smith John, of Reading, grocer.
- Starbuck Robert, of Gravesend, shipwright.
- Webb Charles George, of Long-lane, Bermondsey, woolstapler.

## DIVIDENDS.

## Date of Fiat.

- 1843, **BOURNE** Thomas, of Liverpool, Lancashire, corn-factor, carrying on business under the style of Thomas Bourne the younger; div.
- 1834, **GIBBS** Joseph, of Ramsey, Huntingdonshire, grocer and draper; div.
- 1842, **LEICESTER** Peter, of Longsight, near Manchester, slate-merchant; div.
- 1845, **LOVELL** Thomas, of Henstridge Marsh, Somersetshire, dealer; div.
- 1845, **MORTON** Daniel, late of No. 110, Lower Thames-street, fishmonger, but now of No. 18, Eastcheap, both in London; div.
- 1837, **RANSOM** William, of Stowmarket, Suffolk, corn and flour merchant; final div.
- 1845, **THOMAS** Samuel, of No. 21, Cornhill, London, bullion-merchant; div.
- 1845, **WRIGHT** Arthur, of Kettering, Northamptonshire, grocer; div.
- 1845, **YOUNG** James, of Bury St. Edmunds, Suffolk, tobaccoist and tea-dealer; div.
- 1841, **YOUNG** John, of Newport, Monmouthshire, ship-builder and shopkeeper; div.

Gazette, Tuesday, November 18.

## BANKRUPTS.

## BANKRUPTCY SUPERSEDED.

PEARCE James, of Uxbridge, victualler.

## TOWN AND COUNTRY FIATS.

- ABBOTT** Samuel, of Nether Stowey, in the county of Somerset, linen-draper.—Official assignee, Hernsman.—Sols. Reed, Friday-street, Reed or Trevor, Bridgewater, and Stogdon, Exeter. Fiat, Oct. 31. Pet. Crs. William Segar Bastard, of Exeter, merchant, Henry Frederick Nicholls, of Bridgewater, draper, William Fuller, same place, grocer, and John Barrington Elworthy, of same place, draper.
- ASHTON** William, of Pickering, in the county of York, spirit-merchant, grocer, d. c.—Official assignee, Fearn.—Sols. Coverdale &



Lee, Bedford-row, Parkinson, Pickering, and Ward & Son, Leeds. Fiat, Nov. 6. Pet. Crs. John Quartus Richardson and Ralph Humble, of Hull, wine-merchants.

BAILEY Thomas, of No. 1, Boot-lane, in the parish of Bedminster, in the city of Bristol, builder, *d. c.*—Official assignee, Acraman.—Sol. Hassell, Bristol. Fiat, Nov. 12. Bankrupt's own petition.

CRANE James, of No. 11, Crooked-lane, in the city of London, and late of Stamford-bridge, Fulham, in the county of Middlesex, maltster and agent for the sale of anthracite coal, *d. c.*—Official assignee, Groom.—Sol. Randell, Birchin-lane, Cornhill. Fiat, Nov. 14. Bankrupt's own petition.

DARBY William Absalom, of No. 3, Charles-street, Westbourne-terrace, in the parish of Paddington, in the county of Middlesex, builder.—Official assignee, Edwards.—Sol. Robinson, Orchard-street. Fiat, Nov. 8. Bankrupt's own petition.

HARVEY John Ownsworth, of Newark, in the county of Nottingham, grocer and tallow-chandler.—Official assignee, Whitmore.—Sols. James & Son, Ely-place, and Spencer & Rollings, Birmingham. Fiat, Nov. 5. Pet. Crs. Thomas Jones, William Jones, Charles James Jones, and Thomas Jones, jun., of Leadenhall-buildings, London, merchants.

LOVEGROVE John, of No. 57, Rotherhithe-street, Rotherhithe, in the county of Surrey, barge-builder.—Official assignee, Graham.—Sols. Freeman & Co. Coleman-street. Fiat, Nov. 12. Pet. Cr. George Moore, of Norway Wharf, Rotherhithe, timber-merchant.

PRICE Hugh Pugh, of Holywell, in the county of Flint, linen and woollen draper, *d. c.*—Official assignee, Hobson.—Sols. Abbott, Charlotte-street, Bedford-square, and Atkinson & Saunders, Manchester. Fiat, Nov. 8. Pet. Crs. Samuel Watt, James Watts, and William Bowdler, of Manchester, merchants.

PURNELL Benjamin, late of Rupert-street, Whitechapel, in the county of Middlesex, dealer in vinegar, and now of New Turner-street, Stepney, in the same county, out of business.—Official assignee, Groom.—Sol. Henderson, Mansell-street. Fiat, Oct. 31. Bankrupt's own petition.

ROBBINS Chancery, and William Smith Martin, of Birmingham, in the county of Warwick, merchants, *d. c.*—Official assignee, Valpy. Sols. Motteram & Knowles, Birmingham. Fiat, Nov. 8. Pet. Cr. Joseph Wilson, of Birmingham, gun-manufacturer.

SCULTHORP John, of Brickhill-lane, Upper Thames-street, in the city of London, colourman.—Official assignee, Johnson.—Sols. Messrs. Robinson, Queen-street-place. Fiat, Nov. 15. Bankrupt's own petition.

SIMPSON Thomas, of the township of Stourbridge, in the county of Worcester, livery-stable keeper, coach-proprietor, *d. c.*—Official assignee, Bittleston.—Sols. Hunt & Price, Stourbridge, and Motteram & Knowles, Birmingham. Fiat, Oct. 21. Pet. Crs. John Mantle, of Kinven, Staffordshire, innkeeper, and William Titley, of Stourbridge, blacksmith.

VICKERS William, late of No. 12, Moorgate-street, in the city of London, bill-broker, *d. c.*, but now of No. 4, Carter-street, Fulworth-road, in the county of Surrey.—Official assignee, Bell.—Sol. Rodgers, King-street, Cheapside. Fiat, Nov. 15. Pet. Cr. Minett Taylor, of Southwick-mews, Upper Southwick-street, Paddington, corn-dealer.

WADE Benjamin, of No. 111, Strand, in the county of Middlesex, tailor and draper, *d. c.*—Official assignee, Green.—Sol. Lloyd, Milk-street. Fiat, Nov. 13. Bankrupt's own petition.

WILKINSON Thomas, of No. 77, Quadrant, Regent-street, and of No. 9, Bathurst-place, Sussex-square, both in the county of Middlesex, ironmonger.—Official assignee, Follett.—Sols. Dod & Co. Great Marlborough-street. Fiat, Nov. 13. Pet. Cr. Charles Dod, of No. 8, Doddington-grove, Newington, Surrey, gent.

#### CERTIFICATES to be allowed December 9.

Best William, of Southampton, printer, (partner with John Snowden).  
Kohne Henry, of Lawrence Pountney-lane, and Dorchester-place, New North-road, wholesale stay manufacturer.  
Ridings Charles, of Manchester, cotton-manufacturer, (partner with Samuel Eccles).  
Shorland John, of Bristol, grocer.  
Taberner John Loude, of Birmingham, auctioneer.  
Thorn Joseph, of New Brentford and Great Ealing, paper-hanger.

#### DIVIDENDS.

##### Date of Fiat.

- 1845, ASHBARRY Joseph, of Holm Lacy, Herefordshire, farmer and timber-merchant; div.  
1845, AYTON Joseph Jobling, of South Shields, Durham, fan-draper; final div.  
1819, BACKHOUSE John, of Liverpool, Lancashire, merchant; div.  
1840, BRITAIN John, the elder, of Birmingham, Warwickshire, jeweller; final div.  
1843, BROOMHEAD William, of Birmingham, Warwickshire, and of Sheffield, Yorkshire, merchant; div.  
1845, BUTTERILL William, of Sheffield, Yorkshire, grocer and flour-dealer; final div.  
1844, EDWARDS Robert, of Aberdovey, Merionethshire, draper and grocer; div.  
1845, HANSEN Peter, of Newcastle-upon-Tyne, merchant and ship-owner; div.  
1841, KNOWLES John, Henry Rodwell, George Russell Parker, and John Thomas King, all of Throgmorton-street, London, silk-brokers, carrying on business under the firm of John Knowles & Co.; joint div., and sep. div. of Knowles.  
1845, LAW John, and Eli Hudson, of Ramsden Wood, new Todmorden, Lancashire, cotton-spinners and manufacturers, the said Eli Hudson carrying on the trade of grocer at Oak near Littleborough, Lancashire; joint and sep. diva.  
1845, LOCKHART Theodore, and Charles Lockhart, both of No. 156, Cheapside, London, and of Fulham, Middlesex, florists and seedsmen; div.  
1845, LORAINE Fenwick, of Newcastle-upon Tyne, bookseller and stationer; fur. div.  
1842, LOW David, of Adam's-court, Old Broad-street, London, merchant; div.  
1822, MILNE John, of Liverpool, Lancashire, painter, plumber and glazier; div.  
1845, WILSON Joseph, of No. 114, Jermyn-street, St. James's, Westminster, boot-maker; div.

#### Gazette, Friday, November 21.

#### BANKRUPTS.

##### TOWN AND COUNTRY FIATS.

- ATKIN William, of Stockton-upon-Tees, in the county of Durham, grocer and draper.—Official assignee, Baker.—Sols. Harle, Newcastle, and Chisholme & Co. Lincoln's Inn-fields. Fiat, Nov. 14. Bankrupt's own petition.  
BLACKMORE William Henry, of Dean-street, Soho, in the county of Middlesex, plumber, painter and glazier.—Official assignee, Bell. Sols. Wood & Fraser, Dean-street. Fiat, Nov. 19. Bankrupt's own petition.  
BOWEN Charles, late of Harp-lane, Tower-street, in the city of London, wine-merchant, *d. c.*—Official assignee, Green.—Sols. Gale, Basinghall-street. Fiat, Nov. 6. Pet. Crs. James Atkoc, John Allnutt, sen. and John Allnutt, jun., of Mark-lane, wine-merchants.  
BROWN John, late of Notting-hill, in the county of Middlesex, but now of No. 3, Hornsey-road, in the said county of Middlesex, builder, *d. c.*—Official assignee, Follett.—Sols. Elderton, Ladbroke and Richards, Croydon. Fiat, Nov. 17. Pet. Cr. Jesse Greenwell of Croydon, Surrey, yeoman.  
CHALONER William, of High-street, in the city of Lincoln, and draper, *d. c.*—Official assignee, Young.—Sols. Pocock, Broomew-close, Mence, Barnsley, and Bond, Leeds. Fiat, Nov. 1. Pet. Crs. Charles Tee and John Morris, of Barnsley, linen-manufacturers.  
HARMAN Charles Morgan, of No. 55, Millbank-street, Westminster, in the county of Middlesex, veterinary surgeon and farrier, *d. c.*—Official assignee, Green.—Sol. Barton, Wolsingham-place, Acnington-road. Fiat, Nov. 19. Bankrupt's own petition.  
HAMSHER Joseph, of No. 7, Vine-place, Tabernacle-square, Hoxton, in the county of Middlesex, glove-manufacturer and hatter.

*d. a.*—Official assignee, Turquand.—Sol. Brisley, Pancras-lane. Fiat, Nov. 19. Bankrupt's own petition.

**ELLY** William Lancelot, of the borough of Tewkesbury, in the county of Gloucester, printer, stationer, *d. c.*—Official assignee, Kynaston.—Sols. Baylis & Drewe, Basinghall-street, and Richards & Co. Tewkesbury. Fiat, Nov. 13. Bankrupt's own petition.

**ENDALL** James Carse, of the Canonbury Tavern, Islington, in the county of Middlesex, tavern-keeper.—Official assignee, Graham.—Sol. Wells, Bell-yard, Doctors'-commons. Fiat, Nov. 19. Bankrupt's own petition.

**ERR** John, of No. 16, South Wharf-road, Paddington, in the county of Middlesex, coal-dealer and merchant, *d. c.*—Official assignee, Groom.—Sols. Maples & Co. Frederick's-place. Fiat, Nov. 18. Pet. Cr. Robert Hanbury, of Bale Hall, near Tamworth, Warwickshire, coal-master.

**RATT** George, and John Bodle, of Addison-road North, and Queen's-road, Notting-hill, in the county of Middlesex, builders, *d. c.*—Official assignee, Graham.—Sol. Leigh, George-street. Mansion-house. Fiat, Nov. 11. Pet. Cr. James Linton, of Bath-place, New-road, window-glass dealer.

**AWYER** George, of Lewes, in the county of Sussex, tailor and draper.—Official assignee, Edwards.—Sols. Wood & Fraser, Dean-street, Soho. Fiat, Nov. 19. Bankrupt's own petition.

**ORLEY** Robert, of No. 22, Newgate-street, in the city of London, provision-merchant, commission-salesman, *d. c.*—Official assignee, Graham.—Sols. Messrs. Laurance & Flews, Bucklersbury. Fiat, Nov. 19. Bankrupt's own petition.

#### *CERTIFICATES to be allowed December 12.*

**Botcherby** John, of Darlington, coal-owner.

**Joggan** Ezekiah Denby, of Friday-street, warehouseman.

**James** Daniel, of Liverpool, paper-stainer.

**Jarret** Richard, of Henfield, linen-draper, (partner with Edmund Baldwin).

**Juy** John, of Bury-street, publisher.

**Mackenzie** Roderick, of Hunter-street, and Bond-court, commission-agent.

**Marsh** John, of Brewood, grocer.

**Soffe** William, of the Strand, printseller.

**Ventura** Isaac de Joseph, of White Hart-court, Bishopsgate-street, merchant.

#### *DIVIDENDS.*

Date of Fiat.

1820, **AUSTIN** John (ren. com. 1841), of Manchester, Lancashire, brick-maker; final div.

1845, **BET** John of Bradford, Yorkshire, dyer and retailer of beer; div.

1845, **CURRIE** John, and Louis Elize Seignette, of No. 26, Mincing-lane, London, merchants; joint and sep. divs.

1842, **GALE** James, the elder, and James Gale, the younger, of Love-lane, Shadwell, Middlesex, rope-makers, paint and colour manufacturers, trading under the firm of James Gale & Son; joint div.

1844, **HARVEY** Catherine Sarah, of No. 5, George-street, Hanover-square, Middlesex, dress-maker; div.

1819, **HAYWARD** William Henry, and Robert Collier, of Manchester, Lancashire, cotton-spinners; final sep. div. of Hayward, and final joint div.

1835, **MAYBURY** Joseph, John Maybury, and Joseph Maybury the younger, of Bilston, Staffordshire, iron and tin plate manufacturers; sep. div. of Joseph Maybury, sen.

1845, **MILLS** William Henry, of Mark-lane, London, wine and spirit merchant and wine cooper; div.

1845, **SMITH** William, and Robert Smith, of Bow-lane, London, and of Aberdeen, warehousemen and dealers in linen thread; joint div.

1845, **TAYLOR** Thomas Downes, of No. 38, Brook-street, Holborn, Middlesex, oilman; div.

1841, **WALKER** William, and John Walker, of St. John-square, Middlesex, and of Mosley-street, Manchester, Lancashire, manufacturers of apparatus for heating buildings; final sep. div. of William Walker, and fur. joint div.

1821, **WARNER** John, late of Garforth, Yorkshire, maltster; div.

Date of Fiat.

1845, **WOOD** Thomas, of Little Queen-street, Holborn, Middlesex, wine and spirit merchant; fur. div.

1836, **WRIGHT** Thomas, the younger, of Newcastle-upon-Tyne, ship-owner and scrivener; first and final div.

**Gazette, Tuesday, November 25.**

#### *BANKRUPTS.*

**BANKRUPTCY SUPERSEDED.**

**SUTCLIFFE** John, jun., of Halifax, rectifier and spirit-merchant.

**TOWN AND COUNTRY FIATS.**

**COOKE** William, of the White Lion Inn, Egham, in the county of Surrey, innkeeper, victualler, *d. c.*—Official assignee, Edwards.—Sol. Buchanan, Walbrook-buildings. Fiat, Nov. 12. Pet. Cr. William Frederick Hudson, of No. 11, St. Mary Axe, wine-merchant.

**EVANS** John, of No. 234, High-street, Shoreditch, in the county of Middlesex, cheesemonger.—Official assignee, Johnson.—Sol. Ashley, Shoreditch. Fiat, Nov. 19. Bankrupt's own petition.

**LONDON** William, the elder, and William London, the younger, of the city of Exeter, curriers, leather-dealers and copartners.—Official assignee, Hernaman.—Sol. Terrell, Exeter. Fiat, Nov. 19. Pet. Cr. Gilbert Duke Vicary, of North Tawton, woollen-manufacturer.

**LITTLE** George, of No. 7, Southampton-terrace, Camden-town, in the parish of St. Pancras, in the county of Middlesex, late of Liverpool-street, King's-cross, in the parish of St. Pancras, in the said county of Middlesex, corn-chandler and omnibus proprietor.—Official assignee, Edwards.—Sol. Hardman, Bowling-green-street Kennington. Fiat, Nov. 19. Bankrupt's own petition.

**MORE** Richard, of the city of Norwich, coal-merchant, warehouseman, *d. c.*—Official assignee, Turquand.—Sols. Jay, Bucklersbury, and Jay & Pilgrim, Norwich. Fiat, Nov. 14. Pet. Crs. Robert John Harvey, of Thorpe, Norfolk, banker, and his partners, Sir Robert John Harvey and Anthony Hudson, trading under the firm of Harveys & Hudson, of the city of Norwich, bankers.

**ROPER** John Land, of High-street, Rochester, in the county of Kent, linen-draper, *d. c.*—Official assignee, Follett.—Sols. Badham & Co. Verulam-buildings. Fiat, Nov. 19. Bankrupt's own petition.

**RUSSEL** Charles Joseph, of Ludlow, in the county of Salop, scrivener, *d. c.*—Official assignee, Bittleston.—Sols. Mattemam & Knowles, Birmingham. Fiat, Nov. 21. Bankrupt's own petition.

**WADHAMS** Charles, of No. 40, Charlotte-street, Portland-place, New-road, in the county of Middlesex, carpenter and undertaker, *d. c.*—Official assignee, Groom.—Sol. Goren, South Molton-street. Fiat, Nov. 19. Bankrupt's own petition.

**WARREN** John, of No. 32, George-street, Hanover-square, in the county of Middlesex, surgeon-dentist, *d. c.*—Official assignee, Whitmore.—Sol. Buchanan, Basinghall-street. Fiat, Nov. 22. Bankrupt's own petition.

**WOODHAMS** Joseph, of Nos. 47 and 60, High-street, Portland-town, in the county of Middlesex, plumber, painter and glazier, oil and colourman, and builder, *d. c.*—Official assignee, Groom.—Sol. Chamberlayne, Great James-street, Bedford-row. Fiat, Nov. 21. Bankrupt's own petition.

#### *CERTIFICATES to be allowed December 16.*

**Machu** James Lewis, of Macclesfield, silk-trimming manufacturer.

**Peers** George Tuppenny, of Ironmonger-lane, plumber.

#### *DIVIDENDS.*

Date of Fiat.

1845, **ASHBARRY** Joseph, of Holme Lacy, Herefordshire, farmer and timber-merchant; final div.

1845, **BEST** William, and John Snowden, both of Southampton, printers, librarians and stationers; joint div.

1842, **BIDMEAD** David, of No. 62, Bread-street, Cheapside, London, warehouseman and shipping agent; div.

1845, **BROWN** William, and Thomas Preston, the younger, now or lately carrying on business at Manchester, Lancashire, as cotton-spinners and manufacturers; joint div., and sep. div. of Preston.

## Date of Fiat.

- 1844, **CARRUTHERS** John, of Blackburn, Lancashire, linen and woollen draper and tea-dealer; div.
- 1837, **COURTNEY** John (ren. com. 1842), of Bristol, banker, (late partner with Jacob Wilcox Ricketts and George Thorne, of Bristol, bankers); div.
- 1845, **DAVIES** Stephen, of Somerset Wharf, Bankside, Southwark, Surrey, and of Times Wharf, Wilton-road, Pimlico, Middlesex, coal-merchant; div.
- 1845, **EVANS** Rowland, John Foster, Skinner Zachary Langton, and Thomas Foster, of Barge-yard, Bucklersbury, London, East India merchants, trading under the firm of Evans, Foster and Langton; joint div.
- 1843, **JONES** William, of Park, near Cardiff, Glamorganshire, and carrying on business at Cardiff, and Merthyr Tidvil, Glamorganshire, ship-builder; div.
- 1842, **KNIGHT** William Crabb, of Great Suffolk-street, Southwark, Surrey, builder; fur. div.
- 1845, **LIMES** James Hurleston, of Richmond, Surrey, butcher; div.
- 1842, **MILLER** Joseph, of Stockton-on-Tees, Durham, patent sail-cloth and rope manufacturer, lately in partnership with John Campion, of the same place, under the firm of Miller & Campion, and previously of the same place, in copartnership with George Craddock, under the firm of Miller, Craddock & Co.; sep. div. of Miller.
- 1845, **PARSONS** William, of No. 6, Wood-street, Princes-road, Lambeth, Surrey, corn-dealer; div.
- 1845, **PEAKE** James, of Tolleshunt Knights, Essex, miller; div.
- 1842, **RALEIGH** Joseph, Thomas Smith Goode, and William Holland, of Manchester, Lancashire, merchants; div.
- 1824, **SHAW** Thomas, of Southampton, wine-merchant; final div.
- 1843, **TRAPP** Thomas, and Thomas Pierson Trapp, of No. 1, Church-street, St Saviour, Southwark, Surrey, tallow-chandlers and melters; fur. joint div., and final sep. div. of each.

Gazette, Friday, November 28.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

- ATKINS** George, of Liverpool, in the county of Lancaster, brewer.—Official assignee, Casenove.—Sols. Bridger & Blake, London-wall, and Dodge, Liverpool. Fiat, Nov. 24. Pet. Cr. William Crutchley, of Liverpool, pawnbroker.
- BOND** George, of the Coffee-house Hotel, Epsom, in the county of Surrey, licensed victualler, d. c.—Official assignee, Bell.—Sol. Pile, Castle-street, Holborn. Fiat, Nov. 22. Bankrupt's own petition.
- COOKE** Mark, of Denton, in the parish of Manchester, in the county of Lancaster, joiner, builder, and licensed victualler.—Official assignee, Fraser.—Sols. Clarke & Co. Lincoln's Inn-fields, and Brooks, Ashton-under-Lyne. Fiat, Nov. 21. Bankrupt's own petition.
- ELLIS** Thomas, of Wisbeach Saint Peter's, in the Isle of Ely, in the county of Cambridge, boot and shoe maker.—Official assignee, Johnson.—Sols. Fladgate & Co. Essex-street. Fiat, Nov. 20. Pet. Cr. Joseph Foster, of Leverington, in the Isle of Ely, farmer.
- FORRESTER** Thomas M'Laren, of No. 8, Gresham-street, lately called Lad-lane, in the city of London, woollen-factor, d. c.—Official assignee, Groom.—Sols. Soles & Co. Aldermanbury. Fiat, Nov. 24. Pet. Cr. Richard Bramley, Thomas Hirst, Henry Skelton, Henry Skelton, jun., and William Dimsley Skelton, of Leeds, manufacturers.
- PALMER** Andrew, of Feltwell, in the county of Norfolk, druggist, d. c.—Official assignee, Turquand.—Sols. Isaacson & Co. Norfolk-street. Fiat, Nov. 24. Pet. Cr. Robert Clifton, of Brandon, Suffolk, merchant.
- ROBINSON** Henry, of No. 2, Copthall Chambers, Copthall-court, in the city of London, share-broker, d. c.—Official assignee, Graham.—Sol. Spiller, Camomile-street. Fiat, Nov. 25. Pet. Cr. William Chick, of St. Mary Axe, butcher.

**SNAITH** Thomas, and George Snaith, of Bishop Auckland, in the county of Durham, ironmongers and plumbers, d. c. and partners in trade.—Official assignee, Wakley.—Sols. Hoyle, Newcastle, and Crosby & Co. Church-court, Old Jewry. Fiat, Nov. 10. Pet. Cr. John Robson, of Newcastle-upon-Tyne, marine store dealer.

## CERTIFICATES to be allowed December 19.

- Burrell** James, of Thetford, iron-founder, (partner with Tom Hall).
- Forsyth** Thomas, of the Dinsdale Spa Hotel, Durham, innkeeper.
- Mossman** William, of Clark's-place, Islington, fancy-stationer.
- Reay** John Robert, of Mark-lane, wine-merchant, (partner with John Reay).
- Sanderson** Thomas, of Liverpool, coal-merchant.

## DIVIDENDS.

## Date of Fiat.

- 1843, **ALLEN** Matthew, late of No. 5, Henrietta-street, Covent-garden, Middlesex, dealer in patent wood carving, and now of Waltham Holy Cross, Essex, apothecary; div.
- 1845, **ASHBARRY** Joseph, of Holm Lacy, Herefordshire, farmer and timber-merchant; final div.
- 1845, **BARRY** Eliza, of Bristol, victualler; div.
- 1845, **HAIGH** James, of Hogley, in Almondbury, Yorkshire, clothier; div.
- 1844, **JACKSON** William, of No. 24, Charlotte-street, Finsbury-square, Middlesex, paper-hanger, house-painter and decorator; div.
- 1845, **KNYVETT** Edmund, of Buckingham Cottage, Great Somers, Middlesex, teacher of music and music-seller; div.
- 1845, **LOWE** William, of St. Augustine's Back, near College Green, Bristol, carrying on the business of an ivory and hard-wood turner, at St. Augustine's Back aforesaid, and on the Quay, Bristol; div.
- 1844, **M'LAUGHLIN** Edward, of Long-lane, Bermondsey, Surrey, hair and glue merchant; div.
- 1845, **MAY** Elijah, of No. 34, Aldgate High-street, London, draper; div.
- 1845, **PETERS** John, of Godstone, Surrey, innkeeper and farmer; div.
- 1845, **POYNTER** William, of Upper Holloway, Middlesex, innkeeper, carrying on business at No. 34, St. Paul's-churchyard, London, as a warehouseman; div.
- 1835, **RICHARDSON** Walter, of King-street, St. Paul, Covent-garden, Middlesex, wine-merchant; final div.
- 1845, **SWIFT** Thomas, of Rotherfield-street, Islington, Middlesex, and Joseph Alfred Hensman, of Margate, Kent, both formerly of Copthall-court, London, bill-brokers; div. of Hensman.
- 1844, **TURNER** William, of Manchester, Lancashire, cabinet-maker, joiner and builder; div.
- 1845, **WALKER** Henry Decimus, of Eaton Socon, Bedfordshire, innkeeper and coach-proprietor; div.
- 1845, **WATTS** William Reed, of Argyle-street, Bath, chemist and druggist; div.
- 1843, **WEBB** Charles, of Oxford, apothecary; joint div. of bankrupt and Thomas Godfrey.

Gazette, Tuesday, December 2.

## BANKRUPTS.

## BANKRUPTCIES SUPERSEDED.

- MAY** Samuel, and Pryce Mottram, of Shrewsbury, drapers.
- SWALLOW** Joshua, of Manchester, share-broker.

## TOWN AND COUNTRY FIATS.

- BALDWIN** Benjamin, of Henry-street, Liverpool, and of Manchester, in the county of Lancaster, and of Old Jewry, London, warehouseman, draper, d. c.—Official assignee, Follett.—Sols. Mardon & Pritchard, Newgate-street. Fiat, Nov. 24. Pet. Crs. Charles Candy, Charles Teakle, and Etienne Truass, of Welling-street, merchants.

**BROMILEY** John, of Bolton-le-Moors, in the county of Lancaster, manufacturer.—Official assignee, Hobson.—Sols. Sutton, Manchester, and Glover, Bolton. Fiat, Nov. 21. Pet. Cr. John Wild, of Shuttleworth, cotton-spinner.

**CLARK** John, of the Crescent, Minorities, in the city of London, merchant, *d. c.*, carrying on business under the firm of John Clark & Co.—Official assignee, Johnson.—Sols. Marten & Co. Mincing-lane. Fiat, Nov. 28. Bankrupt's own petition.

**LANG** Lucy, and Ann Bayley Smith, of No. 33, Charterhouse-square, and No. 11, Charterhouse-street, both in the county of Middlesex, private boarding-house and lodging-house keepers, and copartners.—Official assignee, Johnson.—Sols. Hindmarsh & Son, Jewin-crescent. Fiat, Nov. 27. Pet. Cr. William Roberts, of Fore-street, Cripplegate, butcher.

**MAYLARD** John, of No. 120, Fetter-lane, in the city of London, grocer and tea-dealer, *d. c.*—Official assignee, Edwards.—Sol. Johnson, Walcot-square, Lambeth. Fiat, Nov. 28. Bankrupt's own petition.

**PHILLIPS** Samuel, of the borough of Kingston-upon-Hull, hatter and share-broker.—Official assignee, Hope.—Sols. Capes & Stewart, Gray's Inn, Colbeck & Co. Hull, and Horsfall & Harrison, Leeds. Fiat, Nov. 19. Pet. Cr. Samuel Phillips, of Hull, hatter and share-broker.

**REDWOOD** Edward, the younger, now of No. 16, Windmill-street, Lambeth, in the county of Surrey, and late of No. 31, Upper King-street, Bloomsbury, in the county of Middlesex, china and glass dealer, *d. c.*—Official assignee, Bell.—Sol. Long, King-street, Cheapside. Fiat, Nov. 26. Pet. Cr. William Kelly, of No. 6, Bank Chambers, bill-broker.

**TAYLOR** William Guy, and Elizabeth Guy, of Lord-street, Liverpool, in the county of Lancaster, hosiers and glovers, trading under the firm of W. G. Taylor & Co.—Official assignee, Morgan.—Sols. Reed, Friday-street, and Greatley, Liverpool. Fiat, Nov. 28. Pet. Cr. John Stewart Margetson and Joseph James Welch, of Cheapside, warehousemen.

#### *CERTIFICATES to be allowed December 23.*

**Buckler** Robert, of Portsea, grocer.  
**Giles** John, of Headless Brass, near Redditch, publican.  
**Kemp** James Colquhoun, of Liverpool, merchant.  
**Murphy** Matthew, of Shrewsbury, haberdasher.

#### *DIVIDENDS.*

##### *Date of Fiat.*

1842, **BOWER** Alexander, of Basford, Staffordshire, and of Manchester, Lancashire, banker; fur. div.

1828, **GRAHAM** Sir Robert, of the city of London, baronet, John Railton, of Manchester, Lancaster, Joseph Railton and John Young, of London, merchants and warehousemen, carrying on business in London, under the firm of Robert Graham, Railton & Co., and in Manchester, under the firm of John Railton & Co.; fur. div.

1844, **MARKS** Edward Mansfield, of No. 21, Mortimer-street, Cavendish-square, Middlesex, and of No. 10, Stanhope-street, Regent's-park, Middlesex, upholsterer; div.

1844, **MAUND** Jonathan Thomas, of Birmingham, Warwickshire, hosiery, laceman and bazaar keeper; div.

1845, **SCHOFIELD** James, now or lately residing at Greenacres Moor, near Oldham, Lancashire, and carrying on business at Oldham and Greenacres Moor respectively, grocer; first div.

1844, **SUGDEN** Joah, and David Sugden, of Springfield, in Kirk-burton, and of Huddersfield, both in Yorkshire, fancy-cloth manufacturers; first sep. div. of J. Sugden.

1841, **WARBURTON** Henry, of Harpurhey, in Manchester, Lancashire, joiner and builder; first div.

1841, **WELLS** Thomas Wright, of Devonshire-street, Portland-place, Middlesex, merchant, as a trader indebted together with his late copartner Forbes M'Neill (the said Thomas Wright Wells and Forbes M'Neill having lately carried on business together at Clement's-lane, London, and at Southampton-mews, Middlesex, as merchants and horse-hair manufacturers, under the firm of Wells & M'Neill); div.

*Gazette, Friday, December 5.*

#### *BANKRUPTS.*

##### *TOWN AND COUNTRY FIATS.*

**EDWARDS** John Charles, of No. 59, Conduit-street, in the parish of St. George, Hanover-square, in the county of Middlesex, bill-broker, *d. c.*—Official assignee, Groom.—Sol. Godden, John-street, Bedford-row. Fiat, Dec. 1. Pet. Cr. Walker Doyle, of Compton-street, Brunswick-square, gent.

**ELLIOTT** John, of Brandon-hill, in the city of Bristol, coal-merchant, *d. c.*—Official assignee, Acraman.—Sol. Hassell, Bristol. Fiat, Nov. 28. Bankrupt's own petition.

**LE ROY** Eugene, of No. 61, Upper Norton-street, Portland-place, in the county of Middlesex, wine-merchant.—Official assignee, Johnson.—Sol. Lewis, Wilmington-square. Fiat, Dec. 5. Pet. Cr. Daniel D. Evans, of Piccadilly, upholsterer.

**M'DERMOTT** James, of the Albert public-house, Gray's Inn-lane, in the county of Middlesex, victualler.—Official assignee, Graham.—Sol. Hunt, Barnard's Inn. Fiat, Dec. 2. Thomas Paris, of Lay-stall-street, Gray's Inn-lane, brewer.

**MANN** Joseph, of the borough of Warwick, in the county of Warwick, grocer, *d. c.*—Official assignee, Whitmore.—Sols. Nicks, Warwick, and Smith, Birmingham. Fiat, Dec. 1. Pet. Cr. John Gasey, of Banbury, Oxfordshire, wine and spirit merchant.

**SPONG** John, of Ockham, in the county of Surrey, coal and timber merchant.—Official assignee, Pennell.—Sol. Jorleson, St. Mary at Hill. Fiat, Dec. 2. Bankrupt's own petition.

#### *CERTIFICATES to be allowed December 26.*

**Coombes**, Nathaniel George, of Craven-street, coal-merchant.  
**Cotsworth** Thomas, of Salisbury, builder.  
**Noone** George Edward, of East-street, Manchester-square, engineer.

#### *DIVIDENDS.*

##### *Date of Fiat.*

1845, **ASHBARRY** Joseph, of Holm Lacy, Herefordshire, farmer and timber-merchant; final div.

1845, **BETTS** Joseph Young, of Duke-street, in St. John, Cardiff, Glamorganshire, grocer; second div.

1845, **HAYCOCK** Joseph, the younger, late of Old Broad-street, London, but now of Wells, Norfolk, corn-factor and malster; div.

1840, **HESKETH** Edmund, of Hulme, Lancashire, victualler; final div.

1845, **JENKINS** Thomas, of Brecon, maltster and carrier; div.

1844, **MONK** William, the younger, of Nottingham, currier and leather-cutter; final div.

1837, **WEBB** Charles George, of Long-lane, Bermondsey, Surrey, woolstapler; div.

1845, **WHITLOW** John, of Manchester, Lancashire, laceman; final div.

*Gazette, Tuesday, December 9.*

#### *BANKRUPTS.*

##### *BANKRUPTCY SUPERSEDED.*

**THOMAS** Samuel, of Cornhill, bullion-merchant.

##### *TOWN AND COUNTRY FIATS.*

**FRIEDLANSKEY** Theodore, of Birmingham, in the county of Warwick, chandler.—Official assignee, Christie.—Sol. Corser, Birmingham. Fiat, Nov. 22. Pet. Crs. Jonathan Richardson, of Wordley, Staffordshire, glass-manufacturer, and Samuel Marchington, of Birmingham, merchant.

**GAMBLE** Henry, of Grimstone, in the county of Norfolk, grocer.—Official assignee, Belcher.—Sols. Hill & Matthews, St. Mary Axe. Fiat, Dec. 3. Pet. Crs. Thomas Hayward, Ann Conway, and John Phelps, of Maiden-lane, grocers.

**ILES** Charles, formerly of No. 1, Lewinsmead, then of No. 3, Lower Maudlin-lane, both in the parish of St. James, in the city of Bristol, grocer, baker, *d. c.*, but now of No. 47, St. Michael's-hill, in the parish of St. Michael, in the said city of Bristol, out of business.—Sols. Hudson, Bloomsbury-square, and Hopkins, Bristol. Fiat, Dec. 2. Bankrupt's own petition.

**LEWIS** William, of Barnsley, in the county of York, tobaccoist and tea-dealer.—Official assignee, Hope.—Sols. Sudlow & Co. Chancery-lane, and Middleton, Leeds. Fiat, Nov. 28. Pet. Cr. William Hornby, of Leeds, tobaccoist.

**LUCE** Charles Kendal, of the town and county of Southampton, mercer, tailor, draper, *d. c.*—Official assignee, Pennell.—Sol. Combe, Staple Inn. Bankrupt's own petition.

**MAGER** Thomas, of Holborn-hill, in the city of London, and of Coventry-street, Haymarket, in the county of Middlesex, poulterer and cheesemonger, *d. c.*—Official assignee, Bell.—Sols. Kies & Son, Fenchurch-street. Fiat, Dec. 3. Pet. Cr. Ebenezer Howard, of Leadenhall-market, poultry salesman.

**MORTIMER** Thomas, of the Bell, East-lane, Walworth, in the county of Surrey, victualler, *d. c.*—Official assignee, Johnson.—Sol. Harpur, Kennington-cross. Fiat, Dec. 5. Pet. Cr. John Robert Fassett Burnett, Charles Fassett Burnett, John Fassett Burnett, and Robert Burnett Brander, of Vauxhall, distillers.

**OCKLESTON** William, of Liverpool, in the county of Lancaster, hide-merchant, *d. c.*—Official assignee, Turner.—Sols. Norris & Co. Bartlett's-buildings, and Norris, Liverpool. Fiat, Dec. 5. Bankrupt's own petition.

**POPE** John, formerly of the Backfields, in the city of Bristol, and Horfield, in the county of Gloucester, then of Montpellier, in the said city of Bristol, yeoman, contractor for cleansing district No. 2, in the said city of Bristol, lime-burner, *d. c.*, but now of Ashley Down, in the parish of Stapleton, in the county of Gloucester, lime-burner, milkman, *d. c.*—Sols. Hudson, Bloomsbury-square, and Hopkins, Bristol. Fiat, Dec. 2. Bankrupt's own petition.

**POULTON** John, the younger, of Chapel-street, in Luton, in the county of Bedford, straw-hat manufacturer.—Official assignee, Green.—Sols. Dyne, Lincoln's Inn-fields, and Warring, Luton. Fiat, Dec. 5. Bankrupt's own petition.

**RATNETT** Thomas, of Sidney-street, Cambridge, in the county of Cambridge, tailor and robe-maker.—Official assignee, Follett.—Sols. Wilkin, Furnival's Inn, and Hunt, Cambridge. Fiat, Dec. 6. Bankrupt's own petition.

**SAMFORD** Frederick, of Manchester, in the county of Lancaster, woollen and linen draper, hatter, fent and smallware dealer, *d. c.*—Official assignee, Pott.—Sols. Messrs. Reid, Bread-street, Cheap-side, and Sale & Co. Manchester. Fiat, Nov. 29. Pet. Crs. Samuel and James Watts, and William Bowdler, of Manchester, merchants.

**SHEPPARD** Robert Watson, now or late of Ensham, in the county of Oxford, innkeeper, auctioneer, *d. c.*—Official assignee, Follett.—Sols. Pownall & Cross, Staple Inn, and Messrs. Walsh, Oxford. Fiat, Nov. 29. Pet. Cr. John William Clinch, of Witney, Oxfordshire, banker.

**SPEDDING** Robert George, late of No. 59, Queen-street, Cheap-side, and of Bush-lane, Cannon-street, both in the city of London, zinc-manufacturer, trader, *d. c.*, but now a prisoner for debt in the Debtors' prison for London and Middlesex, in Whitecross-street, in the city of London.—Official assignee, Turquand.—Sol. Taylor, North-buildings, Finsbury-circus. Fiat, Nov. 28. Bankrupt's own petition.

**TUCKER** Arthur Southcombe, and George Muriel Bidwell, of Melcombe Regis, in the county of Dorset, grocers, tea-dealers, *d. c.*—Official assignee, Green.—Sols. Knight, Basinghall-street, and Cook & Sanders, New Inn. Strand. Fiat, Nov. 27. Pet. Crs. Hulbert Wathin, Archdale Palmer, and John Roberts Delafosse, of Fenchurch-street, tea-dealers.

**WILLIAMS** John Dyer, of No. 2, Newcastle-street, Farringdon-street, in the parish of St. Sepulchre, in the city of London, blacking manufacturer, *d. c.*—Official assignee, Edwards.—Sol. Austin, St. Swithin's-lane. Fiat, Dec. 6. Bankrupt's own petition.

**CERTIFICATE to be allowed December 30.**

Davies Stephen, of Bankside and Pimlico, coal-merchant.

**DIVIDEND.**

Date of Fiat.

1845, **BRYAN** James, of Bristol, chemist and druggist and tobaccoist; div.

**Gazette, Friday, December 12.**

**BANKRUPTS.**

**BANKRUPTCIES SUPERSEDED.**

**FRANCIS** Henry, of Feock, agent and coal-dealer.

**GREENSTOCK** George, of Weston super Mare, ironmonger.

**SIMPSON** Thomas, of Stourbridge, livery-stable keeper.

**WOOD** Constantine, formerly of Ryde, hotel-keeper, but now of Lewisham, out of business.

**TOWN AND COUNTRY FIATS.**

**BUCKLEY** Ralph, of Dobcross-lane, within Saddleworth, in the county of York, woollen-cloth manufacturer.—Official assignee, Young.—Sols. Spinks, Great James-street, Redfern, Oldham, and Middleton, Leeds. Fiat, Dec. 5. Bankrupt's own petition.

**BUTTERWORTH** James, of Manchester, in the county of Lancaster, plumber and glazier, *d. c.*—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Messrs. Kershaw, Manchester. Fiat, Dec. 1. Bankrupt's own petition.

**ELLARY** William, of Kidderminster, in the county of Worcester, iron-founder.—Official assignee, Valpy.—Sols. Boycott & Lory, Kidderminster, and Reece, Birmingham. Fiat, Dec. 2. Pet. Cr. Frederick Deeley and Thomas Thomas, of Tipton, iron-founders.

**FAY** William, of Stall-street, in the parish of St. James's, in the city of Bath, in the county of Somerset, innkeeper.—Sols. Shatlock, Bath, and De Medina, Argyll-square. Fiat, Dec. 5. Bankrupt's own petition.

**HARRIS** Henry, of No. 22, Leman-street, Goodman's-fields, in the county of Middlesex, teacher at the Jews' Orphan Asylum, and formerly of No. 33, Great Alle-street, Goodman's-fields, carver and gilder, *d. c.*—Official assignee, Edwards.—Sol. Watson, Winchester-buildings. Fiat, Dec. 2. Bankrupt's own petition.

**LINGARD** Frederick, residing at furnished lodgings at No. 81, New Elvet, in or near the city of Durham, teacher of music, and dealer in music and musical instruments.—Official assignee, Wakley.—Sols. Brignal, Durham, and Hartley, Southampton. Fiat, Dec. 2. Bankrupt's own petition.

**ROTHCHILD** Joseph, late of the Lower Arcade, and now of No. 17, Broadmead, both in the parish of St. James, in the city of Bristol, watch-maker, jeweller, and silversmith, *d. c.*—Sols. Hudson, Bloomsbury-square, and Hopkins, Bristol. Fiat, Dec. 4. Bankrupt's own petition.

**ROWBOTHAM** Henry, and Robert Johnson Kenworthy, of Brinkway, near Stockport, in the county of Chester, and of Manchester, in the county of Lancaster, calico-printers, *d. c.*—Official assignee, Hobson.—Sols. Gregory & Co. Bedford-row, and Hitchcock & Co. Manchester. Fiat, Nov. 29. Pet. Cr. Jonathan Bridges Satham, John Tennant, Charles Tennant, John Clow, and James Cox, of Ardwick, manufacturing chemists.

**TAYLOR** Frederick, of No. 3, Orange-street, Red Lion-square, in the county of Middlesex, wax and tallow chandler.—Official assignee, Bell.—Sol. May, Queen-square, Bloomsbury. Fiat, Dec. 1. Bankrupt's own petition.

**WATT** George, of No. 8, Old Jewry, in the city of London, hosiery and cotton factor, *d. c.*, trading under the firm of George Watt & Company.—Official assignee, Green.—Sols. Laurance & Fox, Bucklersbury. Fiat, Dec. 10. Bankrupt's own petition.

**WHITWORTH** Frederick, of Shawforth, in the parish of Rochdale, in the county of Lancaster, cotton-manufacturer, *d. c.*—Official assignee, Pott.—Sols. Clarke & Co. Lincoln's Inn-fields, and Whithead, Rochdale. Fiat, Dec. 5. Bankrupt's own petition.

**CERTIFICATES to be allowed January 2.**

Brown Thomas, and Donald Brown, of Billiter-street, ship-agents and manufacturers of Gryll's whelp.

Nicholl Alexander, and William Nicholl, of Halifax, worsted-spinners.  
 Sharp Robert Johnson, of Liverpool, victualler.  
 Smirk James Edward, of Broad-court, Bow-street, victualler.  
 Smith John Augustus Gustavus, of Manchester, auctioneer.  
 Wyatt Thomas Henry, of Banbury, brewer.

**DIVIDENDS.****Date of Fiat.**

- 1823, DRIVER Abraham Purnhouse, now or late of College Wharf, Lambeth, Surrey, flour-dealer and wharfinger: final div.  
 1845, HARDY John, and George Hardy, both of Wisbech St. Peter, Cambridgeshire, grocers; final sep. div. of George Hardy.  
 1844, HARVEY Thomas, of the Eagle Hotel, Wandsworth, Surrey, innkeeper and wine-merchant; fur. div.  
 1845, LUXTON John Perkin, of Munster-street, Regent's-park, Middlesex, and of Spring-street, Paddington, said county, linen-draper; div.  
 1842, ROGERS Henry, of Thetford, Suffolk, money-scrivener and coach-proprietor; div.

**Gazette, Tuesday, December 16.**

**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

- CORDAROY Frederick, of Liverpool, in the county of Lancaster, hatter, *d. c.*—Official assignee, Cazenove.—Sols. Minshull, Liverpool, and Vincent & Sherwood, Temple. Fiat, Dec. 5. Bankrupt's own petition.  
 GILL William, of Leadenhall-market, in the city of London, poultry-terer.—Official assignee, Turquand.—Sol. Tippetts, Pancras-lane. Fiat, Dec. 4. Pet. Crs. John Surman and Thomas George Sprigues, of Leadenhall-market, poultry salesmen.  
 HELLAWELL Thomas Ibbetson, James Nortcliffe, and John Beaumont Hellowell, of Thornhill Briggs, in the parish of Halifax, in the county of York, trading under the name, style, or firm of Thomas Hellowell & Co., as dyers, at Brighouse, in the parish of Halifax aforesaid.—Official assignee, Hope.—Sols. Taylor, Nicholas-lane, Clegg, Bradford, and Cariss, Leeds. Fiat, Dec. 6. Pet. Cr. Henry Dresser, of Leeds, on behalf of the Yorkshire Banking Company.  
 HULME James, of Fountain-street, in Manchester, in the county of Lancaster, paper-dealer, *d. c.*—Official assignee, Hobson.—Sols. Abbott, Charlotte-street, Bedford-square, and Atkinson & Saunders, Manchester. Fiat, Dec. 11. Pet. Cr. William Howarth, of Manchester, drysalter.  
 HUMPHRIES William, of No. 58, Haymarket, in the county of Middlesex, hotel-keeper, *d. c.*—Official assignee, Graham.—Sol. Lewis, Arundel-street, Strand. Fiat, Dec. 5. Bankrupt's own petition.  
 JONES Michael, of Nos. 48 and 49, Theobald's-road, in the county of Middlesex, grocer and cheesemonger, *d. c.*—Official assignee, Bell.—Sol. Miles, Brunswick-place, City-road. Fiat, Dec. 10. Pet. Cr. Thomas Jones, of Lawley Brook, Salop, maltster.  
 KEARTON William, of Nos. 13 and 14, Lamb-street, Spitalfields, in the county of Middlesex, cheesemonger.—Official assignee, Belcher.—Sol. Hutchison, Crown-court, Threadneedle-street. Fiat, Dec. 11. Pet. Crs. Thomas Hall and John A. Wilson, of Wellington Chambers, London-bridge, provision-merchants.  
 POOL Thomas, of No. 9, Princes-road, Notting-hill, in the county of Middlesex, builder, bricklayer, *d. c.*—Official assignee, Groom.—Sol. Wright, Cook's-court, Lincoln's Inn. Fiat, Dec. 10. Bankrupt's own petition.  
 REYNOLDS James, of Fazakerly, near Liverpool, in the county of Lancaster, cowkeeper, farmer, *d. c.*—Official assignee, Bird.—Sols. Bridger & Blake, London-wall, and Dodge, Liverpool. Fiat, Dec. 11. Bankrupt's own petition.

**CERTIFICATES to be allowed January 6.**

Davies Thomas, of Liverpool, merchant and agent.  
 Dawson John, of Rochdale and Manchester, calico-printer, (partner with Edward and James Butterworth).

Luckin George, of High Holborn, boot-maker.  
 Thompson James, and John Thompson, of Leeds, stock-brokers.

**DIVIDENDS.****Date of Fiat.**

- 1843, BARANDON Frederick William Eugene, of No. 15, Philpot-lane, London, merchant, surviving partner of Charles Louis Theodore Bergeman, since deceased; div.  
 1845, DETTMER William, of No. 50, Upper Marylebone-street, Middlesex, pianoforte manufacturer; div.  
 1844, FOOTNER Robert, of Lymington, Southampton, cabinet-maker and upholsterer; div.  
 1842, GAUTIER Françoise, now or late of Gould-square, Crutched-friars, London, merchant, trading under the firm of Wood, Gautier & Co.; final div.  
 1845, HARDING Edward Philip, of Gravesend, Kent, hosier; div.  
 1845, HART James, of Circus-street, Greenwich, Kent, builder; div.  
 1843, LAWES George, of High-street, Southampton, tailor and draper, and also under a fiat issued against Francis Thomson, of the same place, tailor; div.  
 1845, PEARSON John, of Newcastle-upon-Tyne, fellmonger and woolstapler; div.  
 1845, SPOFFORD John, of High-street, Chatham, Kent, linen-draper and silk-mercier; div.  
 1845, TINSON Joseph, of Farringdon, Berkshire, innkeeper; div.  
 1843, TOWNSEND William Dutton, of No. 6, Little Russell-street, Covent-garden, Middlesex, pawnbroker; div.  
 1830, YATES Charles, of Stafford, banker, surviving partner of Edmund John Birch, deceased; final div.

**Gazette, Friday, December 19.**

**BANKRUPTS.****BANKRUPTCY SUPERSEDED.**

LEDGARD Edward, of Mirfield, Berkshire, oil-crusher and wire-drawer.

**TOWN AND COUNTRY FIATS.**

- CHARLES Henry, of Manchester, in the county of Lancaster, commission-agent, share-broker, *d. c.*—Official assignee, Hobson.—Sols. Fearnhead, Clifford's Inn, and Messrs. Andrews, Manchester. Fiat, Dec. 18. Pet. Cr. William Knowles, of Salford, mason.  
 COLLINS John, of Salford, in the county of Lancaster, common brewer, *d. c.*—Official assignee, Pott.—Sols. Gregory & Co. Bedford-row, and Cooper, Manchester. Fiat, Dec. 13. Bankrupt's own petition.  
 CRAFT George, of Hitchin, in the county of Hertford, baker.—Official assignee, Turquand.—Sols. Chappell, Quality-court, and Bentley, Hitchin. Fiat, Dec. 5. Bankrupt's own petition.  
 FINDLEY Thomas, of Manchester, in the county of Lancaster, plasterer and painter.—Official assignee, Pott.—Sols. Fearnhead, Clifford's Inn, and Messrs. Andrew, Manchester. Fiat, Dec. 10. Bankrupt's own petition.  
 GRAHAM George, Thomas Adams, and Michael Bogle Macfarlane, of Cheapside, in the city of London, calico printers and copartners. Official assignee, Follett.—Sol. Brace, Surrey-street, Strand. Fiat, Dec. 11. Pet. Crs. John and Thomas Chippendale, of Manchester, printers.  
 HOWE John, of West Bromwich, in the county of Stafford, linen-draper, *d. c.*—Official assignee, Bittleston.—Sols. Lloyd, Milk-street, and Bartlett, Birmingham. Fiat, Dec. 10. Pet. Crs. John Wesley Barnett, Edwin Leaf, Frederick Scotson, and Synfen Thomas Carnegie, of Wood-street, warehousemen.  
 JESSUP James, of Princes-place, Notting-hill, in the county of Middlesex, and William Johnson, of Queen's-road, Holloway, in the county of Middlesex, carrying on business in copartnership as builders, under the style or firm of Jessup & Johnson.—Official assignee, Belcher.—Sol. Keighley, Basinghall-street. Fiat, Dec. 11. Pet. Cr. William Buckwell, of Borough-road, timber-merchant.

**KELSEY** John, of Manchester, in the county of Lancaster. Joiner and builder.—Official assignee, Fraser.—Sols. Fearhead, Clifford's Inn, and Messrs. Andrew, Manchester. Fiat, Dec. 10. Bankrupt's own petition.

**LEADBEATER** John, of Manchester, in the county of Lancaster, merchant, manufacturer of shirtings and calicoes, commission-merchant, *d. c.*—Official assignee, Fraser.—Sols. Abbott, Charlotte-street, Bedford-square, and Atkinson & Saunders, Manchester. Fiat, Dec. 5. Pet. Cra. Meyer Frank, of Manchester, and Nathan Pintas and Hardy Nathan, his partners, merchants.

**LEWIS** John, of Tipton, in the county of Stafford, grocer, *d. c.*—Official assignee, Valpy.—Sols. Motteram & Knowles, Birmingham. Fiat, Dec. 11. Pet. Cr. Arthur Dakin, of Birmingham, tea-dealer.

#### *CERTIFICATES to be allowed January 9.*

Barry Eliza, of Bristol, victualler.  
Clarke Robert Bloomfield, of Gower-street North, plumber.  
Fisher James, of Lynn, spirit-merchant.  
Home James, of Woodstock-mews, Blenheim-street, surgeon.  
Isherwood George Frederick Stanley, of Manchester, engraver.  
Kimber Henry, of Water-lane, wine-merchant, (partner with William Kimber).  
M'Entire Robert, of Paternoster-row, and Barnsbury-square, commission-agent.  
Middleton Joseph, of Aveley, hay-salesman.  
Pratt James Mantle, of Berners-street, wine-merchant.  
Wild John, of Bristol, glazier, (partner with Ann Wild).  
Williams James Smith, of Clement's-lane, Lombard-street, master-mariner.

#### *DIVIDENDS.*

Date of Fiat.

- 1842, **CHAPMAN** George, of Pullin's-place, Islington, Middlesex, cowkeeper and dairyman; final div.
- 1837, **DAKIN** William, of Manchester, Lancashire, glass-manufacturer, paper-dealer, as a trader indebted jointly with James Lomax, of Stockport, Cheshire, paper-dealer, Patrick Magee, of Liverpool, Lancashire, dealer in marine stores, and Edmund Hamer, of Manchester aforesaid, paper-dealer, lately deceased, the said several persons carrying on business in copartnership as bankers; div.
- 1845, **DE WILDE** Frederick Augustus, of Nos. 71, 72 and 73, Wells-street, Oxford-street, Middlesex, cabinet-maker, brass-manufacturer and window-blind maker; div.
- 1845, **HUTCHINSON** Robert, of No. 4, Jewry-street, Aldgate, London, leather-seller and leather-merchant; div.
- 1829, **JAMESON** Anthony, of Yarm, Yorkshire, surgeon and apothecary; div.
- 1845, **MAPAS** Henry, of Monmouth-street, within the city and borough of Bath, victualler and builder; div.
- 1845, **MARLAND** John, the younger, of Sun-vale Roller-works in Todmorden, Lancaster, roller-maker; div.
- 1845, **PLOWMAN** Joseph, of Oxford, ironmonger; div.
- 1843, **SEABOEN** George, of Berkeley, Gloucestershire, baker and bacon-curer; div.
- 1845, **THOMAS** Edward, of Clifton-place, Clifton, Bristol, wine and spirit merchant, brewer, grocer and lodging-house keeper; div.
- 1845, **WARR** Richard, of Beaminster, Dorset, auctioneer, builder, cabinet maker and upholsterer; div.
- 1844, **WHITTAKER** Henry, of Macclesfield, Chester, silk-throwster; second div.
- 1840, **WOOD** James, now or late of Lee-side, in Saddleworth, Yorkshire, merchant and woollen-manufacturer; div.

*Gazette, Tuesday, December 23.*

#### *BANKRUPTS.*

##### *TOWN AND COUNTRY FIATS.*

**BROWN** Thomas, of Nos. 3 and 4, Connaught-terrace, Edgeware-road, Paddington, in the county of Middlesex, boot and shoemaker, *d. c.*—Official assignee, Graham.—Sol. Buchanan, Basinghall-street. Fiat, Dec. 5. Bankrupt's own petition.

**BROWN** William, of Atherstone, in the county of Warwick, ironmonger, *d. c.*—Official assignee, Bittleston.—Sols. Morgan, Birmingham, and Chilton & Co. Chancery-lane. Fiat, Dec. 16. Pet. Cra. John and William Hawkes, of Birmingham, factors.

**CHATTERTON** Joanna, of Pendleton, in the county of Lancaster, widow, lately carrying on business, at Pendleton aforesaid, as a licensed victualler, *d. c.*—Official assignee, Hobson.—Sols. Johns & Co. Temple, and Hitchcock & Co. Manchester. Fiat, Dec. 3.—Pet. Cra. George Knight M'Gowan, William Sharp, and William Henry Scott, of Manchester, spirit-merchants.

**COLLINSON** Joseph, of Allerton, in the county of York, and of Bradford, in the said county of York, worsted-spinner and staff-manufacturer.—Official assignee, Young.—Sols. Scargill, Hutton-court, Dawson, Bradford, and Harle, Leeds. Fiat, Nov. 26.—Pet. Cr. George Edward Clayton, of Bradford, cotton waste dealer.

**FRY** Sarah Caroline, of Princess-street, Margate, in the county of Kent, widow, stationer and fancy wool dealer.—Official assignee, Turquand.—Sol. Fisher, Verulam-buildings. Fiat, Dec. 20. Bankrupt's own petition.

**HERPERT** Felix, of Sherrard-street, Golden-square, in the county of Middlesex, warehouseman, factor, merchant, *d. c.*—Official assignee, Johnson.—Sol. Raw, Furnival's-inn. Fiat, Dec. 16. Pet. Cr. James Gilbert, of Sheffield, razor-manufacturer.

**HYDE** Clarendon, of Loughborough, in the county of Leicester, apothecary, *d. c.*—Official assignee, Whitmore.—Sols. Ingilby, Loughborough, and Fowkes, Birmingham. Fiat, Dec. 17. Bankrupt's own petition.

**MILLER** James, of No. 177, High-street, Southampton, cordwainer, *d. c.*—Official assignee, Groom.—Sols. Overton & Hughes, Old Jewry. Fiat, Nov. 20.—Pet. Cr. Ann Leopard, of Serton-street, Commercial-road, widow.

**RAND** Joseph Howard, of No. 29, Westminster-bridge-road, in the parish of Lambeth, in the county of Surrey, dealer in glass and china, *d. c.*—Official assignee, Green.—Sol. Buchanan, Basinghall-street. Fiat, Dec. 19. Pet. Cr. Charles Edward Rand, of 26, Great Charlotte-street, Blackfriars-road, commercial traveller.

**ROLPH** Elizabeth and Thomas Rolph, of Shepherd's-court, Upper Brook-street, Grosvenor-square, in the county of Middlesex, builders, *d. c.*—Official assignee, Bell.—Sol. Huson, ironmonger-lane. Fiat, Dec. 22. Pet. Cra. David Montague and John Turner, of Paddington, cement-manufacturers.

**SIER** John, of Cheltenham, in the county of Gloucester, baker, and now, or late, carrying on the trade or business of a miller, in Cheltenham aforesaid, and of a baker, at No. 353, High-street, Cheltenham aforesaid, *d. c.*—Official assignee, Miller.—Sols. Oliver & Co. Moorgate-street, and Styles, Cheltenham. Fiat, Dec. 20. Pet. Cr. James Walker, of Northleach, farmer and corn-dealer.

**SMITH** Esther, of Southwell, in the county of Nottingham, innkeeper.—Official assignee, Christie.—Sols. Shilton & Son, Nottingham. Fiat, Dec. 10. Pet. Cr. John Cooke, of Oxtou, Notts, farmer.

**SMITH** George, of Manchester, in the county of Lancaster, bill-broker, *d. c.*—Official assignee, Pott.—Sols. Fox, Finsbury-circuit, and Worthington & Co. Manchester. Fiat, Dec. 18. Bankrupt's own petition.

**WINGFIELD** William, of Masbrough, in the parish of Rotherham, in the county of York, common brewer.—Official assignee, Young.—Sols. Hudson, Bucklersbury; Robinson, Rotherham; and Boal, Leeds. Fiat, Dec. 13. Bankrupt's own petition.

**WINSTON** Thomas, late of No. 3, Copthall-buildings, city of London, merchant.—Official assignee, Belcher.—Sols. Crowder & Mayall, Coleman-street. Fiat, Dec. 20. Bankrupt's own petition.

#### *CERTIFICATES to be allowed January 13.*

Crabb Job, of Hook-mills, near Chardstock, hemp-manufacturer.  
Hansen Peter, of Newcastle, ship-owner.  
Limes James Hurlstone, of Richmond, butcher.  
Preston Thomas, jun. of Manchester, cotton-spinner (partner with William Brown).  
Ridd Francis, of Nether Stowey, surgeon.

## DIVIDENDS.

- Date of Fiat.**  
**1844, AKEHURST** Ann, of East Malling, Kent, baker; div.  
**1836, ALEXANDER** William Henry, and Charles Bolton Richards, of Upper Clifton-street, Finsbury, Middlesex, hardwaremen and factors; fur. div. of Alexander.  
**1843, ARMSTRONG** John Flemell, of Tranquil-vale, Blackheath, Lewisham, Kent, and of Staffordshire-wharf, Greenwich-road, Greenwich, said county, china and glass dealer and coal-merchant; div.  
**1841, BARNFIELD** William, the younger, of No. 17, Mark-lane, London, wine and spirit-merchant; div.  
**1845, BEST** Charles, of No. 5, St. James's-walk, Clerkenwell, Middlesex, printer; div.  
**1845, BLOW** George Fordham, of No. 21, Great Dover-street, Newington, Surrey, currier; div.  
**1845, BURLEIGH** William, of Haverhill, Suffolk, scrivener; div.  
**1845, CLARKE** Robert Bloomfield, of Gower-street North, St. Pancras, Middlesex, plumber and glazier; div.  
**1844, GROVE** George, of Wick and Abson, Gloucestershire, miller; div.  
**1845, HARRADEN** Henry Richard, of Cambridge, printseller; div.  
**1844, HODSDON** Thomas, of Harrow, Middlesex, butcher; div.  
**1835, JARMAN** Charles, of No. 61, West Smithfield, London, woollen-draper, tailor and trader; div.  
**1839, KNOWLES** Henry Samuel, of Moolham, near Ilminster, Somerset, silk-throwster; fur. div.  
**1845, LILLY** John, of the Brinepitts, Doddershill, and also of the Forest, Hanbury, Worcestershire, farmer and cattle-dealer; div.  
**1845, MIDDLETON** Joseph, of Aveley, Essex, hay and straw salesman; div.  
**1845, PEAKE** Joseph, of Tolleshunt Knights, Essex, miller; div.  
**1841, ROBINS** James, of Winchester, Southampton, bookseller; final div.  
**1842, ROGERS** Edward, of Great Witley, Worcestershire, surgeon and apothecary; div.  
**1841, SMITH** Prince William, of River-street, Bristol, tanner and currier; div.  
**1840, SMITH** Thomas, late of Marchmont-street, Brunswick-square, Middlesex, perfumer; fur. div.  
**1830, SUTTON** Theophilus Jonas, of Scarborough, York, master mariner, but now a prisoner for debt in Winchester jail; final div.  
**1842, TOMLIN** James, and William Mann, of St. Michael's-alley, London, merchants and shipowners; joint div. and sep. of Tomlin.  
**1845, TUNKS** James, late of George-place, Newlands-terrace, Kensington, Middlesex, cowkeeper, dairyman and market-gardener, but now of No. 9, Scardell-terrace, Kensington aforesaid, market-gardener only; div.  
**1845, VON DADELSZEN** George Michael, of No. 23, Mincing-lane, London, merchant, trading under the firm of George Michael Von Dadelzen & Co.; div.  
**1845, WALMAN** Charles Frederick, of No. 9, Houndsditch, London, china and glass-dealer; div.  
**1839, WARTNABY** Joseph, of No. 2, Adam's-court, Old Broad-street, London, and of Lee, near Lewisham, Kent, ship and insurance-broker, merchant and underwriter; div.

Gazette, Friday, December 26.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

**ABSALOM** George Augustus, of Portsea, in the county of Southampton, victualler, *d. c.*—Official assignee, Edwards.—Sols. Corner & Co. Dean-street, Tooley-street. Fiat, Dec. 17. Pet. Crs. Robert Donaldson, John Courage, and Thomas Donaldson, of Shad Thames, brewers.

13. BANKR.—1845.

**DIXON** Frederick, of No. 33, Long-lane, Bermondsey, in the county of Surrey, currier, *d. c.*—Official assignee, Follett.—Sol. Fry, Cheap-side. Fiat, Dec. 22. Pet. Crs. William Augustus Ward and John Scott Angell, of Bishopsgate-street, leather-factors.

**LANKSHEAR** Joseph, of Seymour-row, Little Chelsea, in the county of Middlesex, surgeon, accoucheur, and dispensing chemist, *d. c.*—Official assignee, Johnson.—Sol. Thompson, Bucklersbury. Fiat, Dec. 23. Bankrupt's own petition.

**PHILLIPS** Philip, of Birmingham, in the county of Warwick, steel pen maker and gilt toy manufacturer, *d. c.*—Official assignee, Christie.—Sol. Jabett, Birmingham. Fiat, Dec. 17. Pet. Cr. Solomon Sacks, of Birmingham, pawnbroker.

**ROBINSON** Francis, of No. 4, Princes-street, Chelsea, in the county of Middlesex, cowkeeper, *d. c.*—Official assignee, Belcher.—Sol. Wansey, Moorgate-street. Fiat, Dec. 22. Pet. Cr. Michael Coomes, of Alpertown, near Harrow, hay-salesman.

**STREETER** Edward, of the city of Bristol, builder, railroad contractor, *d. c.*—Official assignee, Acraman.—Sol. Hopkins, Bristol. Fiat, Dec. 18. Bankrupt's own petition.

**TOULMIN** Charles William, of No. 6, South Island-place, Clapham-road, in the county of Surrey, livery stablekeeper and job master, *d. c.*—Official assignee, Alsager.—Sol. Buchanan, Basinghall-street. Fiat, Dec. 20. Bankrupt's own petition.

**WALLES** William, of the borough of Newcastle-upon-Tyne, grocer and tea-dealer, carrying on business under the style or firm of William Walles and Company.—Official assignee, Baker.—Sols. Chater, Newcastle, Scaife, Newcastle, and Bennett & Co. Scott's-yard, Cannon-street. Fiat, Dec. 22. Pet. Crs. Joseph Andrew Etches and John Robson, of Newcastle, millers.

**WILLIAMSON** Curtis, of No. 7, Great Portland-street, in the parish of St. Marylebone, in the county of Middlesex, late of No. 312, Oxford-street, in the parish of St. George, Hanover-square, in the county of Middlesex, wine-merchant, *d. c.*—Official assignee, Edwards.—Sols. Bristow & Tarrant, Bond-court and Greenwich. Fiat, Dec. 19. Bankrupt's own petition.

## CERTIFICATES to be allowed January 16.

Hall Thomas, of Thetford, ironmonger, partner with James Burrell. Kimber Henry and William Kimber, Water-lane, wine-merchants. Mallinson Hugh, of Almondbury, fancy worsted manufacturer. Reynolds Robert, of Manchester, cabinet-maker.

## DIVIDENDS.

## Date of Fiat.

- 1845, HINDES** Abraham and John Thompson, of Leeds, Yorkshire, stock and sharebrokers, trading at Leeds, under the name, style, or firm of Hindes and Thompson, and the said John Thompson now carrying on business in co-partnership with James Thompson, at Leeds, as stock and sharebrokers; first joint div. and first and final sep. of Hindes.  
**1843, MILLS** William Frederick, of Hart-street, Mark-lane, in the city of London, and of No. 120, High Holborn, in the county of Middlesex, merchant and gun-maker; further div.  
**1844, PEGRUM** John, of No. 1, Robert-street, North Brixton, in the county of Surrey, carpenter and builder; div.  
**1845, THOMPSON** James, and John Thompson, both of Leeds, Yorkshire, stock and sharebrokers, trading at Leeds, under the name, style or firm of Thompson & Son, and the said James Thompson formerly carried on business at Leeds, in partnership with John Fidlin, as stuff-merchants, under the name or firm of Thompson & Fidlin, and which said John Thompson formerly carried on the business of a stock and sharebroker, also at Leeds, in co-partnership with Abraham Hindes, under the name, style or firm of Hindes & Thompson; first joint div., and first and final sep. of James Thompson.

Gazette, Tuesday, December 30.

## BANKRUPTS.

## TOWN AND COUNTRY FIATS.

**BROOKE** James, of Gooderstone, in the county of Norfolk, miller and corn-merchant.—Official assignee, Whitmore.—Sols. Nettlefold,



Vine-street house, Millbank, and Walpole, Northwold. Fiat, Dec. 24. Pet. Cr. William Cook, of Methwold, Norfolk, farmer.

**COUSEN James**, and Lucy Cousen, both of Bank-house, Bingley, in the county of York, and John Richardby Cousen, of Bradford, in the county of York, worsted-spinners, carrying on the business of worsted-spinners, in copartnership together, at Bradford, in the county of York, under the style or firm of J. and L. Cousen.—Official assignee, Kynaston.—Sols. Hawkins & Co., Boswell-court, Wells, Bradford, and Courtenay, Leeds. Fiat, Dec. 19. Pet. Crs. William Edward Foster, and Thomas Sparham Fison, of Bradford, woolstaplers.

**JONES Benjamin**, of No. 34, City-road, in the county of Middlesex, draper, *d. c.*—Official assignee, Groom.—Sols. Soles & Turner, Aldermanbury. Fiat, Dec. 22. Pet. Crs. Thomas Devas, William Devas, Henry Minchener, and George Ford, of Lawrence-lane, warehousemen.

**MORE Richard**, and Benjamin William Blake, both of the city of Norwich, coal-merchants, warehousemen, *d. c.*—Official assignee, Turquand.—Sols. Jay, Bucklersbury, and Bailey, Norwich. Fiat, Dec. 11. Pet. Cr. John Fox, of Norwich, builder.

**PHILLIPS Thomas**, of Shrewsbury, in the county of Salop, hop-merchant, *d. c.*—Official assignee, Valpy.—Sol. Bartleet, Birmingham. Fiat, Dec. 23. Pet. Cr. John Nott, of Worcester, hop-merchant.

**WOOD Benjamin**, the younger, of Leeds, in the county of York, wine and spirit-merchant, *d. c.*—Official assignee, Kynaston.—Sols. Few & Co., Henrietta-street, and Messrs. Upton, Leeds. Fiat, Dec. 16. Bankrupt's own petition.

**WORSSAM George Jarvis**, of No. 25, Great Mitchell-street, Old-street, St. Luke's, in the county of Middlesex, (in copartnership with Samuel William Worssam, as engineers and millwrights), *d. c.*—Official assignee, Green.—Sol. Buchanan, Basinghall-street. Fiat, Dec. 26. Bankrupt's own petition.

#### *CERTIFICATES to be allowed December 30.*

Adamson John, of Stockport, grocer.

Hornby Benjamin, of Hoyake, innkeeper.

May Elijah, of Aldgate High-street, linen-draper.

Plowman Joseph, of Oxford, ironmonger.

Wardell William Joseph, of Pickering, wine-merchant.

#### *DIVIDENDS.*

##### *Date of Fiat.*

- 1843, **BAKE John** Wolland, of Bristol, currier and leather-seller; div.
- 1826, **CHARD John** Symons, now or late of Frome Selwood, Somerset, tanner; div.
- 1845, **CHALONER William**, of High-street, Lincoln, tailor and draper; div.
- 1836, **DADDS William**, and Robert Dadds, of Leadenhall-street, in the city of London, grocers and tea-dealers; sep. div. of William Dadds.
- 1845, **DEMPSEY John** Church, of No. 18, St. Augustine's-parade, in the city of Bristol, stationer, artist's colourman, picture-dealer, and dealer in lamps and chandeliers; div.
- 1845, **GIBSON Henry** George, of Newcastle-upon-Tyne, chemist and druggist; div.
- 1845, **HARDING William**, the elder, of No. 5, Johnson-street, Westminster, and of No. 23, Vincent-street, Westminster aforesaid, and also of West-wharf, Millbank, Middlesex, mason and paviour; div.
- 1845, **HAY William**, and John Alfred Titterton, of No. 103, London-road, Surrey, oil and colourmen; div.
- 1844, **MARKS Edward** Mansfield, of No. 21, Mortimer-street, Cavendish-square, and of No. 10, Stanhope-street, Regent-park, Middlesex, upholsterer; div.
- 1833, **PRESTON Francis**, of St. George's-place, St. George, Haover-square, Middlesex, and also of No. 142, Sloane-street, Chelsea, in the same county, confectioner; div.
- 1845, **SUGDEN John**, and William Sugden, of Leeds, in the county of York, machine-makers and millwrights, surviving partners of John Sugden, the younger, deceased, lately carrying on business in co-partnership under the firm of John Sugden and Sons; final div.
- 1842, **THOMPSON George**, and James Foster Forbes, of No. 41, Crutched Friars, city of London, corn-factors and co-partners; joint div.
- 1845, **WHITE Charles** Henry, of Gravesend, Kent, linen-draper; div.

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TO THE

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